

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-00348-ERK-VMS
:
- versus - : U.S. Courthouse
: Brooklyn, New York
RENDON-REYES, et al. :
Defendant : April 5, 2017
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government:

Bridge M. Rohde, Esq.
United States Attorney

BY: **Taryn Merkl, Esq.**
Margaret Lee, Esq.
Assistant U.S. Attorney
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendants:

Francisco Rendon-Reyes:

Len Kamdang, Esq.
Federal Defenders of NY
One Pierrpont Plaza
Brooklyn, NY 11201

Jovan Rendon-Reyes:

Richard B. Lind, Esq.
880 Third Avenue
13th Flr.
New York, NY 10022

Transcription Service:

Transcriptions Plus II, Inc.
61 Beatrice Ave.
West Islip, New York 11795
laferrara44@gmail.com

Proceedings recorded by electronic sound-recording,
transcript produced by transcription service

Proceedings

1 THE CLERK: Criminal Cause for a Change of
2 Plea Hearing, case number 15-cr-348, United States v.
3 Francisco Rendon-Reyes and Jovan Rendon-Reyes.

4 Spanish interpreter, Rosa Olivera, previously
5 sworn present.

6 (INTERPRETER PREVIOUSLY SWORN)

7 THE CLERK: Counsel, can you please state your
8 name for the record.

9 MS. MERKL: Good morning, your Honor.
10 Taryn Merkl and Margaret Lee for the United
11 States.

12 MR. KAMDANG: Good morning, your Honor.
13 Len Kamdang on behalf of Francisco Rendon-
14 Reyes, who is with me.

15 MR. LIND: Good morning, your Honor.
16 Richard Lind for Jovan Rendon-Reyes.

17 THE COURT: Okay. Let me just check with the
18 deputy, is everything is all being picked up with the
19 mics?

20 (Court and deputy confer)

21 MR. LIND: Okay. I'll repeat that.

22 THE COURT: All right. Thanks.

23 MR. LIND: Richard Lind for defendant Jovan
24 Rendon-Reyes.

25 THE COURT: All right. So good morning. I'm

Proceedings

1 Vera Scanlon. I'm a magistrate judge here in this court.
2 I understand we're here for two change of plea hearings,
3 is that right?

4 MS. MERKL: Yes, your Honor.

5 MR. KAMDANG: Yes, your Honor.

6 THE COURT: All right. We're going to do this
7 in an integrated fashion. So if along the way anyone has
8 any concern, let me know and we're going to try by
9 repeating each individual defendant's name as we go
10 along, to make sure the record is clear as to whom the
11 translator is speaking on behalf of or whose counsel is
12 speaking.

13 If at some point along the way, counsel, you're
14 concerned about that, please say your name and your
15 client's name, just to make sure the transcript is clear
16 when the district judge gets it.

17 All right, so let's start first with the
18 government. Are there victims of the offense and if so,
19 has the government fulfilled its obligation to notify
20 them of the hearing and their right to attend and be
21 heard today?

22 MS. MERKL: Yes, your Honor.

23 THE COURT: And so do you have any information
24 that any of them want to attend?

25 MS. MERKL: No, your Honor. Our victim

Proceedings

1 specialist provided the notice and my understanding is
2 that their intention is to participate at the time of
3 sentence but not today.

4 THE COURT: Okay. All right. For each of the
5 defendants, I'm going to ask you to stand up and my
6 deputy, Ms. Quinlan, is going to administer an oath.

7 J O V A N R E N D O N - R E Y E S ,

8 called as a witness, having been first duly sworn,
9 was examined and testified as follows:

10 F R A N C I S C O R E N D O N - R E Y E S ,

11 called as a witness, having been first duly sworn,
12 was examined and testified as follows:

13 THE CLERK: Thank you. You can have a seat.

14 THE COURT: All right. So that first answer
15 was from Mr. Lind's client, Mr. Jovan Rendon-Reyes and
16 the second was from Mr. Francisco Rendon-Reyes.

17 For the defendants, as you may know, your case
18 has been assigned to the district judge, Judge Korman.
19 Judge Korman is the judge who will make the ultimate
20 decision as to whether to accept your guilty plea. And
21 if he does, to sentence you. You have the absolute right
22 to have the district judge listen to your plea without
23 any prejudice to you.

24 Mr. Jovan Rendon-Reyes, do you understand that?
25

Proceedings

1 DEFENDANT J. RENDON-REYES: Yes.

2 THE COURT: And Mr. Francisco Rendon-Reyes, do
3 you understand that?

4 DEFENDANT F. RENDON-REYES: Yes.

5 THE COURT: All right. As we proceed today,
6 we're making a recording of today's proceeding. That's
7 why I have been speaking to the lawyers and the
8 interpreter about using the microphones.

9 A transcript will be prepared from the
10 recording by a court reporter and it will be provided to
11 the district judge, Judge Korman. Judge Korman will have
12 the opportunity to review the transcript of today's
13 proceeding in connection with deciding whether to accept
14 your plea and if he does, with your sentence.

15 Mr. Jovan Rendon-Reyes, do you wish to give up
16 your right to have the district judge, Judge Korman
17 listen to your plea and instead proceed here before me
18 today?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: Mr. Francisco Rendon-Reyes, do you
21 wish to give up your right to have the district judge,
22 Judge Korman listen to your plea and instead proceed here
23 before me today?

24 DEFENDANT F. RENDON-REYES: Yes.

25 THE COURT: All right. For each of you I have

Proceedings

1 a form indicating that you've consented to having me, a
2 magistrate judge, hear your plea. For each of you with
3 regard to this form, was it translated for you from
4 English to Spanish?

5 DEFENDANT J. RENDON-REYES: Yes.

6 THE COURT: Thank you. Hang on. Excuse me one
7 second.

8 (Pause)

9 THE COURT: All right. So what I am giving
10 you, my clerk just brought in is the Exhibit A for the
11 plea agreement.

12 (Pause)

13 THE COURT: All right. For each defendant, did
14 you go over this form with your attorney?

15 DEFENDANT J. RENDON-REYES: Yes.

16 DEFENDANT F. RENDON-REYES: Yes.

17 THE COURT: All right. Those answers were from
18 Jovan Rendon-Reyes, then Francisco Rendon-Reyes.

19 And are you in agreement with what is stated on
20 the form?

21 DEFENDANT J. RENDON-REYES: Yes.

22 DEFENDANT F. RENDON-REYES: Yes.

23 THE COURT: Okay. And I am going to hold up
24 for Mr. Jovan Rendon-Reyes, my copy of the form. I'm
25 pointing to the first signature on the page. Is that

Proceedings

1 your signature?

2 DEFENDANT J. RENDON-REYES: Yes.

3 THE COURT: And below that, Mr. Lind, is that
4 your signature?

5 MR. LIND: Yes.

6 THE COURT: And for the government, Ms. Merkl,
7 is that your signature?

8 MS. MERKL: Yes, it is, your Honor.

9 THE COURT: And for Mr. Francisco Rendon-Reyes,
10 similarly, I am going to hold up my copy of the form.
11 I'm pointing to the first signature, is that your
12 signature?

13 DEFENDANT F. RENDON-REYES: Yes.

14 THE COURT: And then Mr. Kamdang, is that your
15 signature below that?

16 MR. KAMDANG: Yes, your Honor.

17 THE COURT: And for the government, Ms. Merkl,
18 is that your signature?

19 MS. MERKL: Yes.

20 THE COURT: Okay. For each of the defendants,
21 do you give your consent voluntarily and of your own free
22 will to proceed before me? First Mr. Jovan Rendon-Reyes?

23 DEFENDANT J. RENDON-REYES: Yes.

24 THE COURT: And Mr. Francisco Rendon-Reyes,
25 same question?

Proceedings

1 DEFENDANT F. RENDON-REYES: Yes.

2 THE COURT: All right. As to both of you, has
3 anyone made any threats or promises to you to induce you
4 to agree to have me hear your plea today?

5 DEFENDANT J. RENDON-REYES: No.

6 DEFENDANT F. RENDON-REYES: No.

7 THE COURT: All right. So for the defendants,
8 before I hear your plea, I am going to ask you a number
9 of questions in order to assure myself that your plea
10 will, in fact, be a valid plea. As we go along today, if
11 you do not understand any of my statements or my
12 questions, please let me know and I'll reword the
13 question or the statement or try to explain it to the
14 best of my ability.

15 For each defendant, do you understand that you
16 have the right to be represented by an attorney at trial
17 and at every other stage of the criminal proceedings
18 including this one? So first, Mr. Jovan Rendon-Reyes?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: And Mr. Francisco Rendon-Reyes?

21 DEFENDANT F. RENDON-REYES: Yes.

22 THE COURT: And do you understand that if you
23 can't afford an attorney, the Court would appoint counsel
24 to represent you? So, Mr. Jovan Rendon-Reyes, do you
25 understand that?

Proceedings

1 DEFENDANT J. RENDON-REYES: Yes.

2 THE COURT: And Mr. Francisco Rendon-Reyes, do
3 you understand that?

4 DEFENDANT F. RENDON-REYES: Yes.

5 THE COURT: And for Mr. Lind and Mr. Kamdang,
6 are you both appointed counsel?

7 MR. KAMDANG: Yes, your Honor.

8 MR. LIND: Yes, Judge.

9 THE COURT: All right. For each of the
10 defendants, if at any time you would like to consult with
11 your attorney, please let me know and I'll let you do so.

12 Do you understand that, Mr. Jovan Rendon-Reyes?

13 DEFENDANT J. RENDON-REYES: Yes, I understand.

14 DEFENDANT F. RENDON-REYES: Yes.

15 THE COURT: Okay. I am going to remind you
16 earlier in this proceeding, Ms. Quinlan administered an
17 oath to you in which you promised to tell the truth.

18 DEFENDANT J. RENDON-REYES: Yes.

19 DEFENDANT F. RENDON-REYES: Yes.

20 THE COURT: During the proceedings -- okay. If
21 at any time you answer any of my questions falsely, your
22 answers may later be used against you in a separate
23 prosecution by the government for the crime of perjury or
24 the crime of making a false statement.

25 Do you understand? First, Mr. Jovan Rendon-

Proceedings

1 Reyes?

2 DEFENDANT J. RENDON-REYES: Yes.

3 THE COURT: And then Mr. Francisco Rendon-
4 Reyes?

5 DEFENDANT F. RENDON-REYES: Yes.

6 THE COURT: All right. So we're going to start
7 with some background information. I'm going to talk
8 first to Mr. Jovan Rendon-Reyes and then we'll speak with
9 Mr. Francisco Rendon-Reyes.

10 So, Mr. Jovan Rendon-Reyes, for the record,
11 what's your full name?

12 DEFENDANT J. RENDON-REYES: Jovan Rendon-Reyes.

13 THE COURT: And how old are you?

14 DEFENDANT J. RENDON-REYES: 30.

15 THE COURT: And what's your highest level of
16 education?

17 DEFENDANT J. RENDON-REYES: Elementary school.

18 THE COURT: So how old were you when you
19 finished school?

20 DEFENDANT J. RENDON-REYES: 11.

21 THE COURT: And where did you go to school?

22 DEFENDANT J. RENDON-REYES: In San Miguel
23 Lascala in Insango Lascala (ph.).

24 THE COURT: And in what country is that?

25 DEFENDANT J. RENDON-REYES: Mexico.

Proceedings

1 THE COURT: And since you were 11 years old,
2 have you had any formal education?

3 DEFENDANT J. RENDON-REYES: No.

4 THE COURT: All right. I'm going to ask you a
5 slightly different question. Are you presently or have
6 you recently been under the care of a doctor?

7 DEFENDANT J. RENDON-REYES: No.

8 THE COURT: Are you presently or have you
9 recently been under the care of any mental health
10 professional, such as a psychologist, psychiatrist,
11 social worker?

12 DEFENDANT J. RENDON-REYES: No.

13 THE COURT: Have you ever been hospitalized or
14 treated for a mental illness?

15 DEFENDANT J. RENDON-REYES: No.

16 THE COURT: Have you ever been hospitalized or
17 treated for an addiction to drugs or alcohol?

18 DEFENDANT J. RENDON-REYES: Once I was
19 hospitalized because I overdosed on drugs.

20 THE COURT: And when was that?

21 DEFENDANT J. RENDON-REYES: In 2008.

22 THE COURT: And did you have any follow-up
23 treatment after you were hospitalized for that overdose?

24 DEFENDANT J. RENDON-REYES: No.

25 THE COURT: Is there anything about that

Proceedings

1 experience that would affect your ability to understand
2 what's going on here today?

3 DEFENDANT J. RENDON-REYES: No, I do understand
4 what's going on.

5 THE COURT: Okay. The purpose of all of these
6 questions is for me and in turn, the district judge, to
7 understand and be confident that you understand this
8 whole process. So that's why I am asking you these
9 background questions. So if there is anything that
10 affects your ability to understand what's going on here
11 today, I need to know about that.

12 So similarly, in the past 48 hours have you
13 consumed any narcotic drugs?

14 DEFENDANT J. RENDON-REYES: No, no.

15 THE COURT: In the past 48 hours, have you
16 consumed any alcoholic beverages?

17 DEFENDANT J. RENDON-REYES: No.

18 THE COURT: In the past 48 hours, have you
19 taken any medications?

20 DEFENDANT J. RENDON-REYES: No.

21 THE COURT: So is your mind clear as you sit
22 here today?

23 DEFENDANT J. RENDON-REYES: Yes.

24 THE COURT: And do you understand what's going
25 on?

Proceedings

1 DEFENDANT J. RENDON-REYES: Yes.

2 THE COURT: All right. I'm going to ask Mr.
3 Francisco Rendon-Reyes the same set of questions.

4 What's your full name?

5 DEFENDANT F. RENDON-REYES: Francisco Javier
6 Rendon-Reyes.

7 THE COURT: And how old are you?

8 DEFENDANT F. RENDON-REYES: 28.

9 THE COURT: What's the highest level of
10 education that you've completed?

11 DEFENDANT F. RENDON-REYES: Elementary school.

12 THE COURT: And how old were you when you
13 finished school?

14 DEFENDANT F. RENDON-REYES: 11.

15 THE COURT: And since you were 11 years old,
16 have you had any formal schooling or education?

17 DEFENDANT F. RENDON-REYES: No.

18 THE COURT: Are you presently or have you
19 recently been under the care of a doctor?

20 DEFENDANT F. RENDON-REYES: No.

21 THE COURT: Are you presently or have you
22 recently been under the care of any mental health
23 professional such as a psychiatrist, psychologist or
24 social worker?

25 DEFENDANT F. RENDON-REYES: No.

Proceedings

1 THE COURT: Have you ever been hospitalized or
2 treated for a mental illness?

3 DEFENDANT F. RENDON-REYES: No.

4 THE COURT: Have you ever been hospitalized or
5 treated for an addiction to drugs or alcohol?

6 DEFENDANT F. RENDON-REYES: No.

7 THE COURT: In the past 48 hours, have you
8 consumed any narcotic drugs?

9 DEFENDANT F. RENDON-REYES: No.

10 THE COURT: In the past 48 hours, have you
11 consumed any alcohol?

12 DEFENDANT F. RENDON-REYES: No.

13 THE COURT: In the past 48 hours, have you
14 taken any medications?

15 DEFENDANT F. RENDON-REYES: No.

16 THE COURT: Is your mind clear as you sit here
17 today?

18 DEFENDANT F. RENDON-REYES: Yes.

19 THE COURT: Do you understand what's going on
20 here?

21 DEFENDANT F. RENDON-REYES: Yes.

22 THE COURT: All right. Now I am going to ask
23 your lawyer some questions.

24 Mr. Lind, have you discussed this case with
25 your client?

Proceedings

1 MR. LIND: Yes, your Honor.

2 THE COURT: Do you speak Spanish?

3 MR. LIND: No.

4 THE COURT: Have you had the assistance of a
5 translator, an interpreter, when you've been discussing
6 this case with your client?

7 MR. LIND: Each time I have.

8 THE COURT: Have you had any difficulty
9 communicating with your client about the case?

10 MR. LIND: No.

11 THE COURT: In your opinion, is your client who
12 is Jovan Rendon-Reyes, capable of understanding the
13 nature of these proceedings?

14 MR. LIND: Yes, your Honor.

15 THE COURT: In your opinion, does he understand
16 the rights he'll be waiving if he decides to go ahead
17 with his guilty plea?

18 MR. LIND: Yes, Judge.

19 THE COURT: Do you have any doubt as to his
20 competence to plead at this time?

21 MR. LIND: No.

22 THE COURT: Have you informed him of the
23 maximum sentence and other possible sentencing
24 consequences?

25 MR. LIND: Yes, Judge.

Proceedings

1 THE COURT: And have you discussed with him the
2 operation of the sentencing guidelines?

3 MR. LIND: Yes, your Honor.

4 THE COURT: Similarly, Mr. Kamdang, for your
5 client, Mr. Francisco Rendon-Reyes, have you discussed
6 the matter with your client?

7 MR. KAMDANG: Yes, your Honor.

8 THE COURT: Are you fluent in Spanish?

9 MR. KAMDANG: Not fluent.

10 THE COURT: Okay. In discussing this matter --

11 MR. KAMDANG: I wish.

12 THE COURT: In discussing this matter with your
13 client, have you had the assistance of an interpreter or
14 a translator?

15 MR. KAMDANG: At all times, I used an
16 interpreter.

17 THE COURT: Have you had any difficulty
18 communicating with your client?

19 MR. KAMDANG: No, your Honor.

20 THE COURT: In your opinion, is your client
21 capable of understanding the nature of these proceedings?

22 MR. KAMDANG: Yes.

23 THE COURT: In your opinion, does Mr. Francisco
24 Rendon-Reyes under the rights he'll be waiving if he
25 decides to go ahead with his guilty plea?

Proceedings

1 MR. KAMDANG: Yes.

2 THE COURT: Do you have any doubt as to his
3 competence to plead at this time?

4 MR. KAMDANG: No.

5 THE COURT: Have you advised him of the maximum
6 sentence and other possible sentencing consequences?

7 MR. KAMDANG: Yes.

8 THE COURT: Have you discussed with him the
9 operation of the sentencing guidelines?

10 MR. KAMDANG: Yes.

11 THE COURT: All right. For each of the
12 defendants, I am going to ask you about your interaction
13 with your attorney. So for Mr. -- well, I will ask the
14 question and then ask for each of your respective
15 responses.

16 Have you had a sufficient opportunity to
17 discuss this case with your attorney? Mr. Jovan Rendon-
18 Reyes?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: And Mr. Francisco Rendon-Reyes?

21 DEFENDANT F. RENDON-REYES: Yes.

22 THE COURT: In discussing your case with your
23 respective attorneys, have you had the assistance of a
24 Spanish language interpreter? Mr. Jovan Rendon-Reyes?

25 DEFENDANT J. RENDON-REYES: Yes.

Proceedings

1 THE COURT: And Francisco Rendon-Reyes?

2 DEFENDANT F. RENDON-REYES: Yes.

3 THE COURT: Are you eaach fully satisfied with
4 the reresentation and advice given to you in this case by
5 your attorney? So for Mr. Jovan Rendon-Reyes, that would
6 be Mr. Lind and for Mr. Francisco Rendon-Reyes, that
7 would be Mr. Kamdang.

8 So Mr. Jovan Rendon-Reyes, what's your response
9 to that question which is are you fully satisfied with
10 the advice --

11 DEFENDANT J. RENDON-REYES: Yes, I am
12 satisfied.

13 THE COURT: -- representation and advice given
14 to you in this case by your attorney? All right.

15 Same question for you, Mr. Francisco Rendon-
16 Reyes.

17 DEFENDANT F. RENDON-REYES: Yes.

18 THE COURT: All right. For eaach of the
19 defendant, have you received a copy of this document
20 called the indictment? I'm holding up my copy. All
21 right.

22 So have you, Mr. Jovan Rendon-Reyes, have you
23 received a copy of the indictment?

24 DEFENDANT J. RENDON-REYES: Yes.

25 THE COURT: And Francisco Rendon-Reyes, do you

Proceedings

1 have a copy of --

2 DEFENDANT F. RENDON-REYES: Yes.

3 THE COURT: All right. You've received a copy
4 of the indictment, is that correct?

5 DEFENDANT J. RENDON-REYES: Yes.

6 DEFENDANT F. RENDON-REYES: Yes.

7 THE COURT: For each of you, was the document
8 translated from English to Spanish?

9 DEFENDANT J. RENDON-REYES: Yes.

10 DEFENDANT F. RENDON-REYES: Yes.

11 THE COURT: And for each of you, did you review
12 the indictment with your respective attorneys? Mr. Jovan
13 Rendon-Reyes?

14 DEFENDANT J. RENDON-REYES: Yes.

15 DEFENDANT F. RENDON-REYES: Yes.

16 THE COURT: And for each of you, did you go
17 over the particular counts in the indictment to which
18 it's proposed that you're going to plead guilty? Mr.
19 Jovan Rendon-Reyes?

20 DEFENDANT J. RENDON-REYES: Yes.

21 THE COURT: And Mr. Francisco Rendon-Reyes?

22 DEFENDANT F. RENDON-REYES: Yes.

23 THE COURT: All right. Counsel, do you want me
24 to read the particular charges to which it's proposed
25 your respective clients are going to plead guilty?

Proceedings

1 MR. LIND: Judge -- oh, I am sorry, go ahead.

2 MR. KAMDANG: Not on behalf of Mr. Francisco
3 Rendon-Reyes.

4 MR. LIND: On behalf of Jovan, I waive a public
5 reading.

6 THE COURT: All right. For the defendants, I
7 am going to explain some of your rights in the American
8 legal system, particularly as they relate to this plea
9 proceeding.

10 The first and most important thing you should
11 understand is that you do not have to plead guilty, even
12 if you are guilty. Under the American legal system, the
13 government or the prosecution has the burden of proving
14 the guilt of a defendant beyond a reasonable doubt. If
15 the government can't do that or doesn't do that, the jury
16 at your trial would have the duty to find the defendant
17 not guilty even if the defendant is guilty.

18 Do you understand that? So first, Mr. Jovan
19 Rendon-Reyes?

20 DEFENDANT J. RENDON-REYES: Yes.

21 THE COURT: And Mr. Francisco Rendon-Reyes?

22 DEFENDANT F. RENDON-REYES: Yes.

23 THE COURT: So what it means for you is even if
24 you are guilty of the charges against you, you have a
25 choice. It's up to each of you for yourself to decide

Proceedings

1 what to do in your case. It's not your lawyer's
2 decision, your family's decision, or anyone else's
3 decision.

4 You may withdraw your previously entered plea
5 of not guilty and plead guilty as I'm told you wish to do
6 or you could decide to go to trial. If you would like to
7 go to trial, you would simply persist in your plea of not
8 guilty.

9 In doing so, you would make the government meet
10 its burden of proving your guilt beyond a reasonable
11 doubt and as I explained a few minutes ago, if the
12 government failed in that, the jury has the duty to find
13 the defendant not guilty.

14 Do you understand those rights? First Mr. --

15 DEFENDANT J. RENDON-REYES: Yes.

16 DEFENDANT F. RENDON-REYES: Yes.

17 THE COURT: All right. So that was from Jovan
18 Rendon-Reyes first and then Francisco Rendon-Reyes.

19 So you should know that as sometimes happened
20 in American courtrooms, including in this courthouse,
21 that a jury has returned a verdict of not guilty even
22 though everyone else in the courtroom thought the
23 defendant was guilty.

24 What the jurors were saying in that case, was
25 not that the defendant wasn't guilty but instead that the

Proceedings

1 government had failed to prove the defendant's guilt
2 beyond a reasonable doubt.

3 So what this means for you is even if you are
4 guilty, you have a choice. You could say to the
5 government, prove the case against me. If you would like
6 to do that, you exercise that right by saying not guilty
7 when I ask you how you plead.

8 If you plead not guilty, under the
9 Constitution and the laws of the United States, you are
10 entitled to a speedy and public trial by a jury with the
11 assistance of your lawyer on the charges contained in the
12 indictment which has been filed with the Court. The
13 indictment is this thick document that I mentioned
14 earlier, which you confirmed that you had seen and had
15 been translated for you.

16 Do you understand your rights as I have
17 described them so far, Mr. Jovan Rendon-Reyes?

18 DEFENDANT J. RENDON-REYES: Yes, I understand.

19 THE COURT: And Mr. Francisco Rendon-Reyes?

20 DEFENDANT F. RENDON-REYES: Yes.

21 THE COURT: Were you to go to trial in this
22 case, you would be presumed innocent. You would have not
23 any burden to prove your innocence. Instead, it would be
24 the government's burden to overcome the presumption of
25 innocence and prove you guilty by competent evidence and

Proceedings

1 beyond a reasonable doubt.

2 And as I said earlier, if the government failed
3 to prove its case beyond a reasonable doubt, the jurors
4 would have the duty to find you not guilty.

5 Do you understand? First Mr. Jovan Rendon-
6 Reyes?

7 DEFENDANT J. RENDON-REYES: Yes.

8 DEFENDANT F. RENDON-REYES: Yes.

9 THE COURT: By pleading guilty, which is what's
10 proposed that you're going to do today, you are giving up
11 your right to have the United States government satisfy
12 its burden of proving you guilty beyond a reasonable
13 doubt. Instead, you will be admitting your guilt.

14 So, do you understand that?

15 DEFENDANT J. RENDON-REYES: Yes.

16 DEFENDANT F. RENDON-REYES: Yes.

17 THE COURT: In the course of a trial, witnesses
18 for the government would have to come to court and
19 testify in your presence. Your lawyer would have the
20 right to cross-examine the witnesses for the government,
21 to object to the evidence offered by the government and
22 to offer witnesses and other evidence on your behalf.

23 Your lawyer would also have the right to
24 subpoena or to compel witnesses to come to court and to
25 testify.

Proceedings

1 Do you understand these rights? First Mr.
2 Jovan Rendon-Reyes?

3 DEFENDANT J. RENDON-REYES: Yes.

4 THE COURT: And Mr. Francisco Rendon-Reyes?

5 DEFENDANT F. RENDON-REYES: Yes.

6 THE COURT: If you decided to go ahead with
7 your guilty plea, and I recommend that the district judge
8 accept your plea and that's what the district judge does,
9 you're giving up these rights. You're giving up your
10 right to confront the witness who testify against you.
11 You're giving up your right to offer evidence on your own
12 behalf. You're giving up the right to have witnesses
13 come to court to testify. You are giving up your right
14 to raise any defenses you may have. You are giving up
15 your right to have a trial in this case.

16 Do you understand?

17 DEFENDANT J. RENDON-REYES: Yes.

18 DEFENDANT F. RENDON-REYES: Yes.

19 THE COURT: All right. That was first from Mr.
20 Jovan Rendon-Reyes and then from Mr. Francisco Rendon-
21 Reyes.

22 Were you to go to trial in this case, which you
23 have the right to do, you would have the right to testify
24 at the trial on your own behalf. It would be your choice
25 if you wanted to do that but you could not be required to

Proceedings

1 testify at your trial.

2 Under the Constitution of the United States, a
3 defendant in a criminal case cannot be forced to take the
4 witness stand at his trial and say anything that could be
5 used against him to show that he is guilty of the crime
6 or crimes with which he is charged.

7 So if you decided at your trial not to testify,
8 the judge would instruct the jurors that the jurors could
9 not hold the fact against you. This is called exercising
10 your right against self-incrimination. That's sometimes
11 referred to as taking the Fifth.

12 Do you understand?

13 DEFENDANT J. RENDON-REYES: Yes.

14 THE COURT: And Mr. Francisco Rendon-Reyes?

15 DEFENDANT F. RENDON-REYES: Yes.

16 THE COURT: If you decided to go ahead with
17 your guilty plea, you will be admitting your guilt and
18 giving up this right against self-incrimination. If you
19 plead guilty, I'm going to have to ask you questions
20 about what you did in order to satisfy myself and in turn
21 Judge Korman, that you are in fact guilty of the charge
22 to which or charges to which you are pleading.

23 You are going to have to answer my questions
24 truthfully and acknowledge your guilt. And I remind you
25 that Ms. Quinlan administered an oath earlier to each of

Proceedings

1 you in which you swore to answer my questions truthfully.

2 Do you understand that?

3 DEFENDANT J. RENDON-REYES: Yes.

4 THE COURT: First Mr. Jovan?

5 DEFENDANT J. RENDON-REYES: Yes.

6 THE COURT: And Mr. Francisco Rendon-Reyes?

7 DEFENDANT F. RENDON-REYES: Yes.

8 THE COURT: All right. If you decide to go
9 ahead with your plea, it's not going to be enough for you
10 to simply say that you're guilty. You're going to have
11 to tell me what it is that you did such that you are
12 guilty of the particular charge to which you're pleading.

13 Do you understand?

14 DEFENDANT J. RENDON-REYES: Yes.

15 THE COURT: And for Mr. Francisco Rendon-Reyes?

16 DEFENDANT F. RENDON-REYES: Yes.

17 THE COURT: All right. If you plead guilty and
18 I recommend that the district judge, Judge Korman, accept
19 your plea and that's what he does, you will be giving up
20 your constitutional rights with regard to this
21 proceeding, so particularly your right to a trial and all
22 the other rights that I have just went over. There's not
23 going to be a trial in your case if you decide to go
24 ahead with your guilty plea.

25 The district judge, if he accepts your plea,

Proceedings

1 will simply enter a judgment of guilty on the basis of
2 your plea.

3 Do you understand? First Mr. Jovan Rendon-
4 Reyes?

5 DEFENDANT J. RENDON-REYES: Yes.

6 THE COURT: Then Mr. Francisco Rendon-Reyes?

7 DEFENDANT F. RENDON-REYES: Yes.

8 THE COURT: If after you are sentenced, you or
9 your attorney thinks the Court has not properly followed
10 the law in sentencing you, you can appeal your sentence
11 to a higher court. But by pleading guilty, you will not
12 except under limited circumstances, be able to challenge
13 your judgment of conviction by appeal or collateral
14 attack.

15 Do you understand that?

16 DEFENDANT J. RENDON-REYES: Yes.

17 THE COURT: And Mr. Francisco Rendon-Reyes?

18 DEFENDANT F. RENDON-REYES: Yes.

19 THE COURT: All right. We're going to go over
20 your plea agreement in a few minutes but as it relates to
21 your appellate rights, I want to draw your attention to a
22 particular part of your agreement.

23 So for Mr. Jovan Rendon-Reyes, there's a
24 limitation in the agreement with regard to your appellate
25 rights. Specifically, paragraph 4 of the agreement

Proceedings

1 provides as follows:

2 The defendant agrees not to file an appeal or
3 otherwise challenge by petition pursuant to 28 USC, which
4 stands for United States Code, Section 2255, or any other
5 provision, the conviction or sentence in the event that
6 the Court imposes a term of imprisonment -- there's a
7 word missing, I think it should say of, 365 months or
8 below.

9 All right. So, Mr. Jovan Rendon-Reyes, do you
10 understand that limitation on your appellate rights?

11 DEFENDANT J. RENDON-REYES: Yes.

12 THE COURT: Okay.

13 THE COURT: And Mr. Francisco Rendon-Reyes?

14 DEFENDANT F. RENDON-REYES: Yes.

15 THE COURT: Hang on. Yours is different.
16 Yours is very different from Mr. Jovan Rendon-Reyes.
17 Paragraph 4 of your agreement says:

18 The defendant agrees not to file an appeal or
19 otherwise challenge by petition pursuant to 28 USC, which
20 I said stands for United States Code, Section 2255, or
21 any other provision, the conviction or sentence in the
22 event that the Court imposes a term of imprisonment of
23 151 months or below.

24 Do you understand that limitation?

25 DEFENDANT F. RENDON-REYES: Yes.

Proceedings

1 THE COURT: Okay. All right. We're going to
2 go over the plea agreements now. For each of you, there
3 are some differences between the agreements but there are
4 also many similarities. So I'll try to draw your
5 attention to the parts where it's the same and the parts
6 where it's different.

7 Again, if I get something wrong, if counsel can
8 correct me, I would appreciate it. All right. So I am
9 looking at what's the original copy of Mr. Jovan Rendon-
10 Reyes' plea agreement. So it's the original document
11 which also includes Exhibit A which is the financial
12 declaration and then similarly for Mr. Francisco Rendon-
13 Reyes, there's the plea agrement which is -- which also
14 includes Exhibit A.

15 All right. To try to keep this straight, so it
16 doesn't get confused, I have marked Mr. Jovan Rendon-
17 Reyes' plea agreement as Court -- I'm sorry, as
18 Government's Exhibit 1 and Mr. Francisco Rendon-Reyes'
19 plea agreement as Court -- sorry, as Government's Exhibit
20 2. So is that clear, Government's Exhibit 1 is Mr.
21 Jovan Rendon-Reyes' plea agreement and Government's
22 Exhibit 2 is Francisco Rendon-Reyes' plea agreement .

23 Does everyone understand the documents we're
24 talking about? So counsel?

25 MR. LIND: Yes, Judge.

Proceedings

1 MR. KAMDANG: Yes, your Honor.

2 THE COURT: All right. And then for Mr. Jovan
3 Rendon-Reyes, do you understand?

4 DEFENDANT J. RENDON-REYES: Yes, Judge.

5 THE COURT: And Mr. Francisco Rendon-Reyes?

6 DEFENDANT F. RENDON-REYES: Yeah.

7 THE COURT: All right. So for Jovan Rendon-
8 Reyes, I am going to hold up my copy of the plea
9 agreement on page 13 in the middle of the page, it says,
10 "I have read the entire agreement and discussed it with
11 my attorney. I understand all of its terms and I am
12 entering into it knowingly and voluntarily."

13 Mr. Jovan Rendon-Reyes, is that a correct
14 statement?

15 DEFENDANT J. RENDON-REYES: Yes.

16 THE COURT: All right. And was this plea
17 agreement which is now Government's Exhibit 1 translated
18 for you from English to Spanish?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: All right. Was the translator
21 Sonya Barra (ph.)?

22 MR. LIND: Well, I know it was. I don't know
23 if it --

24 THE COURT: All right. You don't know if he
25 was --

Proceedings

1 MR. LIND: -- do you remember her name?

2 DEFENDANT J. RENDON-REYES: No, I don't
3 remember.

4 THE COURT: All right. Did someone who spoke
5 English and Spanish translate --

6 DEFENDANT J. RENDON-REYES: Yes.

7 THE COURT: -- the plea agreement for you?

8 DEFENDANT J. RENDON-REYES: Yes.

9 THE COURT: All right. I am going to hold up
10 my copy and point to the first signature below the
11 sentence that says I have read, etc cetera. Is that your
12 signature?

13 DEFENDANT J. RENDON-REYES: Yes.

14 THE COURT: All right. Mr. Lind, below that,
15 is that your signature?

16 MR. LIND: Yes, Judge.

17 THE COURT: All right. And for the government,
18 the first signature on the page, Ms. Lee, is that your
19 signature? Is that you?

20 MS. LEE: Yes, your Honor.

21 THE COURT: And then Ms. Merkl, is that your
22 signature?

23 MS. MERKL: Yes.

24 THE COURT: Mr. Francisco Rendon-Reyes, your
25 plea agreement is Government's Exhibit 2. Similarly, I

Proceedings

1 am going to show the last page of your document which is
2 page 12 and it says in the middle of the page, "I have
3 read the entire agreement and discussed it with my
4 attorney. I understand all of its terms and I am
5 entering into it knowingly and voluntarily."

6 Is that a correct statement?

7 DEFENDANT F. RENDON-REYES: Yes.

8 THE COURT: All right. I am going to hold up
9 my copy. Right below where the paragraph says, "I have
10 read," is that your signature?

11 DEFENDANT F. RENDON-REYES: Yes.

12 THE COURT: And then Mr. Kamdang, is that your
13 signature?

14 MR. KAMDANG: Yes, your Honor.

15 THE COURT: And do you know who the translator
16 was?

17 MR. KAMDANG: Yes, Deanna Rosa who is a native
18 Spanish-speaker who is currently in our office.

19 THE COURT: And Mr. Francisco Rendon-Reyes, was
20 this plea agreement translated for you from English to
21 Spanish?

22 DEFENDANT F. RENDON-REYES: Yes.

23 THE COURT: And for the government, Ms. Lee,
24 the first signature on page 12 of Mr. Francisco Rendon-
25 Reyes's document, is that your signature?

Proceedings

1 MS. LEE: Yes, your Honor.

2 THE COURT: And Ms. Merkl, is that your
3 signature?

4 MS. MERKL: Yes.

5 THE COURT: Okay. For each of the counsel,
6 were all formal plea offers by the United States
7 government conveyed to your respective clients? Mr.
8 Lind?

9 MR. LIND: I'm sorry, Judge. I was just
10 looking at something. I apologize. Do you want to
11 restate your question?

12 THE COURT: Yes, the question is were all
13 formal plea offers extended by the government
14 communicated to your client?

15 MR. LIND: Yes, Judge.

16 THE COURT: And Mr. Kamdang, same question?

17 MR. KAMDANG: Yes, your Honor.

18 THE COURT: For each of the defendants, with
19 regard to your respective plea agreement which again for
20 the record for Mr. Jovan Rendon-Reyes is marked as
21 Government's Exhibit 1 and for Mr. Francisco Rendon-Reyes
22 is marked as Exhibit 2.

23 Was the document translated for you from
24 English to Spanish?

25 DEFENDANT J. RENDON-REYES: Yes.

Proceedings

1 THE COURT: Okay. And for each of you, was the
2 person who translated someone who was fluent in English
3 and Spanish?

4 DEFENDANT F. RENDON-REYES: Yes.

5 THE COURT: Okay. That was from Mr. Francisco
6 Rendon-Reyes. Mr. J. Rendon-Reyes, same question?

7 DEFENDANT J. RENDON-REYES: Yes.

8 THE COURT: Okay. All right. Each of you, did
9 you review your respective plea agreement with your
10 lawyer? Mr. Jovan Rendon-Reyes?

11 DEFENDANT J. RENDON-REYES: Yes.

12 DEFENDANT F. RENDON-REYES: Yes.

13 THE COURT: All right. And when you were
14 revieiwng the plea agreement with your lawyer, did you
15 have the assistance of a Spanish language interpreter?
16 Mr. Jovan Rendon-Reyes?

17 DEFENDANT J. RENDON-REYES: Yes.

18 THE COURT: And Mr. Francisco Rendon-Reyes?

19 DEFENDANT F. RENDON-REYES: Yes.

20 THE COURT: All right. For each of you, do you
21 understand all of the terms of the plea agreement?

22 DEFENDANT J. RENDON-REYES: Yes.

23 THE COURT: And Mr. Francisco Rendon-Reyes?

24 DEFENDANT F. RENDON-REYES: Yes.

25 THE COURT: All right. Does the written plea

Proceedings

1 agreement accurately represent your entire undersatnding
2 or aagreement that you have with the government?

3 DEFENDANT J. RENDON-REYES: Yes.

4 THE COURT: I'm sorry. Who answered that? Was
5 that Mr. Jovan --

6 MR. LIND: Jovan. That was Jovan.

7 THE COURT: Okay. All right. Francisco
8 Rendon-Reyes?

9 DEFENDANT F. RENDON-REYES: Yes.

10 THE COURT: Okay. Has anyone -- this is for
11 each of you. Has anyone made any promise or assurance to
12 you that's not included in your respective plea agreement
13 in order to persuade you to accept the plea agreement?
14 Mr. Jovan Rendon-Reyes?

15 DEFENDANT J. RENDON-REYES: No.

16 THE COURT: And Mr. Francisco Rendon-Reyes?

17 DEFENDANT F. RENDON-REYES: No.

18 THE COURT: For each of you, has anyone
19 threatened you in any way to persuade you to accept the
20 plea agreement? Mr. Jovan Rendon-Reyes?

21 DEFENDANT J. RENDON-REYES: No.

22 THE COURT: And Mr. Francisco Rendon-Reyes?

23 DEFENDANT F. RENDON-REYES: No.

24 THE COURT: All right. Defense counsel, have
25 each of you read and reviewed with your client the

Proceedings

1 written plea agreement that's before the court? So
2 that's Government's Exhibit 1 for Mr. Jovan Rendon-Reyes
3 and Government's Exhibit 2 for Francisco Rendon-Reyes.
4 Mr. Lind?

5 MR. LIND: I've read it both -- I've read it,
6 Judge.

7 THE COURT: Okay. And Mr. Kamdang?

8 MR. KAMDANG: Yes, your Honor.

9 THE COURT: And have each of you reviewed the
10 document for each of your respective clients with your
11 client? Mr. Lind?

12 MR. LIND: Yes, I have and always with the
13 assistance of a Spanish interpreter.

14 THE COURT: Mr. Kamdang?

15 MR. KAMDANG: Yes, your Honor.

16 THE COURT: All right. For each of the
17 defendants, if you fail to comply with the agreement that
18 you're entering into with the United States government,
19 the government will be released from its obligations but
20 you will not be released from your plea of guilty. Do
21 you understand that?

22 DEFENDANT J. RENDON-REYES: Yes.

23 THE COURT: And Mr. Francisco Rendon-Reyes?

24 DEFENDANT F. RENDON-REYES: Yes.

25 THE COURT: All right. At this stage, I'm

Proceedings

1 going to go over the possible sentencing consequences.
2 Since what's being proposed is that each of you may plead
3 to different charges in the indictment, this is a little
4 bit -- this is different as to each of you. So first I
5 am going to go over Mr. Jovan Rendon-Reyes' possible
6 sentencing consequences. These are covered in paragraph
7 1 of your agreement and then we'll go over Mr. Francisco
8 Rendon-Reyes' possible sentencing consequences.

9 So with regard to Mr. Jovan Rendon-Reyes,
10 what's proposed is that you're going to plead guilty to
11 Count 1 and Count 14 of the indictment. And you're going
12 to admit to racketeering acts with regard to your
13 participation in sex trafficking of Jane Doe #1 which is
14 set forth in Racketeering Act 3(a) and Count 7. I'm
15 talking about the indictment.

16 Sex trafficking of minor Jane Doe #5 which is
17 alleged in Racketeering Act 7(a) and Count 14. And Sex
18 trafficking of Jane Doe, #6, it's alleged in Racketeering
19 Act 8A and Count 17.

20 All right. Do you understand that?

21 DEFENDANT J. RENDON-REYES: Yes.

22 THE COURT: All right. Do you understand what
23 I just read relates back to the indictment which is the
24 document that we discussed earlier today?

25 DEFENDANT J. RENDON-REYES: Yes.

Proceedings

1 THE COURT: All right. So with regard to Count
2 1, the maximum term of imprisonment is life. The minimum
3 term of imprisonment is no time in prison. The maximum
4 supervised release term is five years which would follow
5 any term of imprisonment.

6 If a condition of release is violated, you may
7 be sentenced for up to five years without credit for pre-
8 release imprisonment or time previously served on post-
9 release supervision.

10 For each of the defendants, I am going to
11 explain briefly supervised release. While on supervised
12 release, there may be many restrictions placed on your
13 liberty, including travel limitations, requirements that
14 you report regularly to a probation officer and other
15 limitations.

16 All right. Do you understand that, Mr. Jovan
17 Rendon-Reyes?

18 DEFENDANT J. RENDON-REYES: Yes.

19 THE COURT: All right. And Mr. Francisco
20 Rendon-Reyes, do you understand how the supervised
21 release works? It will be limitations on your liberty?

22 DEFENDANT F. RENDON-REYES: Yes.

23 THE COURT: All right. Going back to the plea
24 agreement for Mr. Jovan Rendon-Reyes. With regard to
25 Count 1, the maximum fine that can be imposed is the

Proceedings

1 greater of \$250,000 or twice the gross gain or twice the
2 gross loss. Do you understand that?

3 DEFENDANT J. RENDON-REYES: Yes.

4 THE COURT: All right. Restitution is
5 mandatory in the full amount of each victim's losses as
6 determined by the Court. Do you understand that?

7 DEFENDANT J. RENDON-REYES: Yes.

8 THE COURT: You have to be charged \$100 special
9 assessment. All right. Other possible sentencing
10 penalties include removal from the United States. This
11 is set forth and described in paragraph 8 of your
12 agreement with the government. I'm going to go over that
13 and I'm going to ask Mr. Francisco Rendon-Reyes to
14 listen, as well.

15 All right. With regard to removal and your
16 plea agreement, it's very, very likely that pleading
17 guilty may have consequences with respect to your
18 immigration status if you are not a citizen of the United
19 States.

20 Under federal law, a broad range of crimes are
21 what are called removable offenses, including the
22 offenses to which it's proposed that you're going to
23 plead guilty. In fact, because it's proposed that you're
24 going to plead guilty to the particular crimes of
25 racketeering involving sex trafficking and interstate

Proceedings

1 prostitution, your removal from the United States is
2 presumptively mandatory.

3 But you should know that removal and other
4 immigration consequences are not decided by this Court
5 but rather would be decided in a separate proceeding. So
6 no one here, not your lawyer, not the government or the
7 judge can tell you with certainty what the effect of your
8 conviction will be on your immigration status.

9 All right. Mr. Jovan, do you confirm that you
10 still want to go ahead with your guilty plea regardless
11 of any immigration consequences that your plea may
12 entail, even if that consequence is your removal or your
13 automatic removal from the United States?

14 DEFENDANT J. RENDON-REYES: Yes.

15 THE COURT: Other possible penalties include
16 sex offender registration pursuant to the Sex Offender
17 Registration and Notification Act which is described in
18 paragraph 11 of your plea agreement.

19 Do you understand that?

20 DEFENDANT J. RENDON-REYES: Yes.

21 THE COURT: Did you go over paragraph 11 with
22 your attorney? Do you want to take a look? It's the
23 paragraph that describes --

24 MR. LIND: Unless we have it translated -- we
25 did go over it, Judge, but --

Proceedings

1 THE COURT: Okay. All right. So let me ask a
2 different question. Mr. Jovan Rendon-Reyes, do you
3 understand that you would be subject to the Sex Offender
4 Registration Notification Act which is described in brief
5 in paragraph 11 of your plea agreement?

6 DEFENDANT J. RENDON-REYES: Yes.

7 THE COURT: Okay. Additionally, an additional
8 penalty could include criminal forfeiture which is also
9 described in your plea agreement which is Government's
10 Exhibit 1. It's described in paragraph 6 and 7. All
11 right. Do you understand --

12 DEFENDANT J. RENDON-REYES: Yes.

13 THE COURT: -- the criminal forfeiture
14 provisions? All right. I'm going to hold up my copy of
15 your plea agreement and just point at the fifth line of
16 paragraph 6 on page 8 where the date, April 3rd, 2017 was
17 filled in. Do you see that there?

18 DEFENDANT J. RENDON-REYES: Yes.

19 THE COURT: Okay. At the bottom --

20 DEFENDANT J. RENDON-REYES: No, I have seen it.

21 THE COURT: Okay. At the bottom there are some
22 initials. Are those your initials?

23 DEFENDANT J. RENDON-REYES: yes.

24 MR. LIND: Well, one set isn't --

25 THE COURT: At the bottom.

Proceedings

1 MR. LIND: Okay.

2 THE COURT: The bottom of the list. Right?

3 MR. LIND: Okay.

4 THE COURT: All right. And then is it right
5 above that? Mr. Lind, those are your initials?

6 MR. LIND: Yeah, mine -- mine are above those.

7 THE COURT: And I think those are Ms. Merkl's
8 right at the top?

9 MS. MERKL: Yes, your Honor.

10 THE COURT: All right. And is it correct
11 there's this document Exhibit A, that you have disclosed
12 all of your assets to the United States government on
13 this statement, which is Exhibit A to your agreement?

14 DEFENDANT J. RENDON-REYES: Yes.

15 THE COURT: Okay. All right. What I just went
16 over were possible sentencing consequences of Count 1.
17 I'm going to go over possible sentencing consequences of
18 Count 14. With regard to Count 14, your maximum term of
19 imprisonment is life. The minimum term of imprisonment
20 is 15 years.

21 Do you understand that?

22 DEFENDANT J. RENDON-REYES: Yes.

23 THE COURT: Do you understand that there's a
24 minimum term of imprisonment with regard to Count 14 to
25 which it's proposed you're going to plead guilty?

Proceedings

1 DEFENDANT J. RENDON-REYES: Yes.

2 THE COURT: All right. There would also be a
3 minimum supervised release term of five years and a
4 maximum supervised release term of life. It would follow
5 any term of imprisonment.

6 If a condition of supervised release is
7 violated, you could be sentenced for up to life without
8 credit for pre-release imprisonment or time previously
9 served on post-release supervision.

10 If you commit any criminal expense under
11 particular federal laws, particularly Chapter 109(a),
12 110, 117, or Title 18 USC Section 1201 or 1591, for which
13 imprisonment for a term longer than one year can be
14 imposed you shall be sentenced to not less than five
15 years and up to the maximum term of imprisonment for the
16 offense as set forth in 1(a) for this Count, which is
17 life. Do you understand that?

18 DEFENDANT J. RENDON-REYES: Yes.

19 THE COURT: As with regard to Count 1, Count 14
20 carries a maximum fine, the greater of \$250,000 or twice
21 the gross gain or twice the gross loss.

22 Do you understand that?

23 DEFENDANT J. RENDON-REYES: Yes.

24 THE COURT: Restitution is mandatory in the
25 full amount of each victim's losses as determined by the

Proceedings

1 Court. You'll be charged a \$100 special assessment. And
2 other penalties include the same as the ones I went over
3 with regard to Count 1 including removal from the United
4 States, sex offender registration pursuant to the Sex
5 Offender Registration Notification Act and criminal
6 forfeiture.

7 Each of those penalties described in a
8 paragraph in the plea agreement, paragraph 8, paragraph
9 11 and paragraph 6 and 7, respectfully.

10 Do you understand those possible sentencing
11 consequences?

12 DEFENDANT J. RENDON-REYES: Yes.

13 THE COURT: Did you review them with your
14 attorney?

15 DEFENDANT J. RENDON-REYES: Yes.

16 THE COURT: And did you have the assistance of
17 a Spanish language interpreter when you were reviewing
18 them with your attorney?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: All right. And also, do you
21 understand that the sentence imposed as to each count may
22 run consecutively, meaning one sentence and then the next
23 sentence would start after that?

24 DEFENDANT J. RENDON-REYES: Yes.

25 THE COURT: All right. With regard to Mr.

Proceedings

1 Francisco Rendon-Reyes, I am going to go over the
2 possible sentencing consequences for you. These are set
3 forth in your plea agreement which is marked as
4 Government's Exhibit 2 for today's proceeding. All
5 right. My understanding --

6 THE INTERPRETER: Your Honor, the interpreter
7 is -- there's going to be a change of interpreters.

8 THE COURT: Uh-hum.

9 THE INTERPRETER: My colleague, Ms. Plested is
10 taking over and then I will take over from her, if
11 necessary.

12 THE COURT: Okay. All right. Thank you very
13 much.

14 THE INTERPRETER: Thank you.

15 THE COURT: All right. For the record, if you
16 could just state your name.

17 THE INTERPRETER: Good afternoon, Judge.

18 For the record, Estrelita Plested, certified
19 Spanish interpreter, previously sworn.

20 (INTERPRETER PREVIOUSLY SWORN)

21 THE COURT: All right. Thank you very much.

22 So for Mr. Francisco Rendon-Reyes, what's
23 proposed is that you're going to plead guilty to Counts 1
24 and 26 of the indictment. The indictment, I will remind
25 you, is the document that we went over earlier today,

Proceedings

1 particularly violations of two federal statutes, 18 USC
2 Section 1962(c) and 2422(a).

3 Also, you're going to admit as Racketeering
4 Acts, your participation in sex trafficking as alleged in
5 Racketeering Act 4(a) and interstate prostitution as
6 alleged in Racketeering Act 12(a).

7 Okay. With regard to Count 1, the following
8 are the possible statutory penalties. The maximum term
9 of imprisonment of life, a minimum term of imprisonment
10 of zero years. A maximum supervised release term of five
11 years, that would follow any term of imprisonment. If a
12 condition of release is violated, you could be sentenced
13 for up to five years without credit for pre-release
14 imprisonment or time previously served on post-release
15 supervision.

16 So Mr. Francisco Rendon-Reyes, do you
17 understand the maximum term of imprisonment and the
18 minimum term of imprisonment?

19 DEFENDANT F. RENDON-REYES: Yes.

20 THE COURT: Do you understand how supervised
21 release works? I explained it earlier when I was
22 speaking with Mr. Jovan Rendon-Reyes.

23 DEFENDANT F. RENDON-REYES: Yes.

24 THE COURT: The maximum fine is the greater of
25 \$250,000 or twice the gross gain or twice the gross loss.

Proceedings

1 Do you understand that?

2 DEFENDANT F. RENDON-REYES: Yes.

3 THE COURT: The restitution is mandatory and
4 the full amount of each victim's losses as determined by
5 the Court.

6 Do you understand that?

7 DEFENDANT F. RENDON-REYES: Yes.

8 THE COURT: All right. You have to be charged
9 \$100 special assessment. Other penalties include the
10 following: removal from the United States of America as
11 described in paragraph 8. Because it's so important, I
12 am going to review that with you in detail.

13 So as I mentioned when I was speaking with Mr.
14 Jovan Rendon-Reyes, pleading guilty to the charges in
15 this indictment that we've discussed earlier which are
16 Counts 1 and 26, may have very serious consequences --

17 DEFENDANT F. RENDON-REYES: Yes.

18 THE COURT: -- with your respect to immigration
19 -- let me -- sorry, let me just finish that. You may
20 have very serious consequences with regard to your
21 immigration status in the United States if you are not a
22 citizen of the United States.

23 Under the federal law, a broad range of crimes
24 are what we call removable offenses, including offense to
25 which it's proposed that you're going to plead guilty

Proceedings

1 which are racketeering involving sex trafficking and
2 interstate prostitution.

3 Removal is presumptively mandatory. Removal
4 and other immigration consequences are the subject of a
5 separate proceeding, so that no one here, not your
6 lawyer, not the government's lawyer, and neither me nor
7 Judge Korman can predict with certainty the effect of a
8 conviction on your immigration status in the United
9 States.

10 Do you understand all that?

11 DEFENDANT F. RENDON-REYES: Yes, I do.

12 THE COURT: Okay. This is a question -- right
13 now what we're going over is Government's Exhibit 2 and
14 this is Mr. Francisco Rendon-Reyes' plea agreement which
15 is similar but not identical to that for Mr. Jovan
16 Rendon-Reyes.

17 So Mr. Francisco Rendon-Reyes, do you
18 understand the immigration consequences that you may
19 suffer because of a guilty plea here?

20 DEFENDANT F. RENDON-REYES: Yes.

21 THE COURT: Okay. So right now these questions
22 are only for Mr. Francisco Rendon-Reyes because we're
23 talking about his plea agreement. We'll come back and
24 talk about some of the things that relate to both of you.

25 So for Mr. Francisco Rendon-Reyes, do you

Proceedings

1 affirm that you want to go ahead with your guilty plea
2 regardless of any immigration consequences that your plea
3 may entail, even if the consequence is your automatic
4 removal from the United States?

5 DEFENDANT F. RENDON-REYES: Yes.

6 THE COURT: All right. As regard to the other
7 penalties, you would be subject to sex offender
8 registration pursuant to the Sex Offender Registration
9 Notification Act which is described in part in paragraph
10 11 of your agreement.

11 Do you understand that?

12 DEFENDANT F. RENDON-REYES: Yes.

13 THE COURT: Did you go over it with your
14 attorney?

15 DEFENDANT F. RENDON-REYES: Yes.

16 THE COURT: All right. There's also a possible
17 criminal forfeiture which is described in paragraph 6 and
18 7 of your agreement. Did you go over those paragraphs
19 with your attorney?

20 DEFENDANT F. RENDON-REYES: Yes.

21 THE COURT: Do you understand them?

22 DEFENDANT F. RENDON-REYES: Yes.

23 THE COURT: I'm going to show you my copy of
24 your plea agreement which is Government's Exhibit 2,
25 paragraph 6, in the fifth line, the date has been filled

Proceedings

1 in. Are these your initials?

2 DEFENDANT F. RENDON-REYES: Yes.

3 THE COURT: Mr. Kamdang, your initials?

4 MR. KAMDANG: Yes.

5 THE COURT: And for the government, Ms. Merkl,
6 are those -- the TM, is that you?

7 MS. MERKL: Yes.

8 THE COURT: All right. So is it correct, Mr.
9 Francisco Rendon-Reyes, that you have disclosed all of
10 your assets to the United States on the financial
11 statement dated today's date which is attached to the
12 plea agreement as Exhibit A?

13 DEFENDANT F. RENDON-REYES: Yes.

14 THE COURT: Okay. I'm going to go over the
15 possible sentencing consequences of Count 26. The
16 maximum term of imprisonment is 20 years. The minimum
17 term of imprisonment is zero years.

18 Do you understand that?

19 DEFENDANT F. RENDON-REYES: Yes.

20 THE COURT: The minimum supervised release term
21 is five years. The maximum supervised release term is
22 life. It would follow any term of imprisonment. If a
23 condition of release is violated, you may be sentenced up
24 to life in prison without credit for pre-release
25 imprisonment or time previously served on post-release

Proceedings

1 supervision.

2 If you commit any of a few criminal offenses,
3 those under Chapter 109(a), 110 or 117, or Title 18 USC
4 Sections 1201, or 1591, for which imprisonment for a
5 term longer than one year can be imposed, you shall be
6 sentenced to not less than five years and up to the
7 maximum term of imprisonment for that offense as
8 described in paragraph 1(a) which is 20 years.

9 Do you understand that?

10 DEFENDANT F. RENDON-REYES: Yes.

11 THE COURT: The maximum fine that can be
12 imposed in connection with this count is the greater of
13 \$250,000 or twice the gross gain or twice the gross loss.

14 Do you understand that?

15 DEFENDANT F. RENDON-REYES: Yes.

16 THE COURT: Restitution is mandatory in the
17 full amount of each victim's losses as determined by the
18 Court.

19 Do you understand that?

20 DEFENDANT F. RENDON-REYES: Yes.

21 THE COURT: You have to be charged a \$100
22 special assessment and the same consequences that I went
23 over with regard to the prior count also apply. Your
24 removal from the United States, sex offender registration
25 and criminal forfeiture which are described in paragraphs

Proceedings

1 8, 11 and 6 and 7 respectively of your plea agreement.

2 Do you understand those provisions of the plea
3 agreement?

4 DEFENDANT F. RENDON-REYES: Yes.

5 THE COURT: Did you go over them with your
6 attorney?

7 DEFENDANT F. RENDON-REYES: Yes.

8 THE COURT: All right. Do you understand that
9 the sentence for each count may run consecutively,
10 meaning it could follow after each other. It could be a
11 sentence on one count and then the sentence on the next
12 count.

13 Do you understand that?

14 DEFENDANT F. RENDON-REYES: Yes.

15 THE COURT: Okay. All right. Counsel, did I
16 get it right? That's obviously the most important part
17 or a very important part of this. Everyone we got --
18 that was covered correctly?

19 MS. MERKL: I believe --

20 MR. KAMDANG: Yes, Judge.

21 MS. MERKL: Yes, Judge.

22 THE COURT: Okay.

23 MS. MERKL: The only outstanding item would be
24 the guidelines, which I am assuming you are going to
25 next.

Proceedings

1 THE COURT: Next, yeah. Well, that's the
2 second thing.

3 MS. MERKL: Okay. At some point.

4 THE COURT: We're going to get there. Okay.
5 All right. Let me give you a little background on what
6 it is that the government's lawyer is referring to and
7 then we'll go over the sentencing guidelines.

8 So with regard to the sentencing process, in
9 your case you are going to be sentenced, if the judge
10 accepts your plea, by District Judge Korman. District
11 Judge Korman does not have complete discretion to impose
12 a sentence outside of the statutory minimum and maximum
13 sentences that are set forth in the statute.

14 So to remind you for Mr. Jovan Rendon-Reyes,
15 with regard to Count 1, the maximum is life and the
16 minimum is zero years term of imprisonment and Count 14,
17 the maximum term of imprisonment of life, with a minimum
18 term of imprisonment of 15 yeras.

19 Do you understand that?

20 DEFENDANT J. RENDON-REYES: Yes, I understand.

21 THE COURT: All right. And for Mr. Francisco
22 Rendon-Reyes, just to remind you, Count 1, the maximum
23 term of imprisonment is life. The minimum term of
24 imprisonment is zero years.

25 And for Count 26, the maximum term of

Proceedings

1 imprisonment is 20 years, the minimum term of
2 imprisonment is zero years.

3 Do you understand that?

4 DEFENDANT F. RENDON-REYES: Yes.

5 THE COURT: In the sentencing process, the
6 judge has to consider what are called the advisory
7 sentencing guidelines. That's what Ms. Merkl was
8 referring to and which we're going to talk in some more
9 detail in a few minutes.

10 These advisory sentencing guidelines have been
11 issued by the United States Sentencing Commission to help
12 judges determine what's a reasonable sentence in a
13 criminal case.

14 As a second step in the sentencing process, the
15 judge must consider whether there are any factors present
16 in your case that would allow the sentencing judge to
17 depart from these advisory sentencing guidelines. A judge
18 can depart either upwardly or downwardly or not at all.

19 In addition, the judge must consider factors
20 that are outlined in a particular federal statute which
21 is 18 United States Code Section 3553(a). The judge
22 compares those factors to the facts and circumstances of
23 your situation in your case.

24 It may be that the judge decides to impose a
25 nonguideline sentence but the bottom line is that until

Proceedings

1 the date of sentencing, when a judge has read the
2 transcript of today's proceeding and had received and
3 reviewed a presentence report about you and hear's from
4 you, your lawyer and the government's lawyers, you cannot
5 know with certainty what the advisory sentencing
6 guidelines will be for your case or whether there will be
7 grounds to depart from them.

8 You can't know whether the Court will impose a
9 guidelines or a nonguideline sentence. Do you
10 understand?

11 DEFENDANT F. RENDON-REYES: Yes.

12 THE COURT: All right. How about for Mr. Jovan
13 Rendon-Reyes, do you understand what I am saying with
14 regard to the sentencing process?

15 DEFENDANT J. RENDON-REYES: Yes.

16 THE COURT: All right. So despite the
17 uncertainty, I am going to ask the lawyers right here to
18 give you each their respective preliminary assessment as
19 to what the sentencing guidelines will be in your case.
20 These estimates are not binding on the Court, on the
21 government or on the probation department.

22 And if the lawyers make a mistake or get it
23 wrong or don't have all the facts and their estimate is
24 different from what the actual sentencing guidelines will
25 be at the time of sentencing, you will not be permitted

Proceedings

1 to withdraw your plea of guilty on that basis.

2 So, do you understand that, Mr. Jovan Rendon-
3 Reyes?

4 DEFENDANT J. RENDON-REYES: Yes.

5 THE COURT: And Mr. Francisco Rendon-Reyes, do
6 you understand that?

7 DEFENDANT F. RENDON-REYES: Yes.

8 THE COURT: All right. So let's first speak
9 about Mr. Jovan Rendon-Reyes and the estimated sentencing
10 guidelines. We'll start with the government. Is it Ms.
11 Merkl for the government?

12 MS. MERKL: Yes, your Honor.

13 THE COURT: All right.

14 MS. MERKL: As to Jovan Rendon-Reyes, the
15 government's current estimate is that his guidelines
16 shake out to an adjusted offense level of 39 which
17 carries a range of imprisonment of 262 to 327 months,
18 assuming that he falls within criminal history category
19 one.

20 I would note that that estimate is contingent
21 upon his acceptance -- his getting full -- the full three
22 points for acceptance of responsibility, as well as two
23 points reduction for a global disposition in this case.

24 THE COURT: Uh-hum.

25 MS. MERKL: And that global disposition is

Proceedings

1 dependent upon all of the defendants accepting guilty
2 pleas by April 19th of this year.

3 So that guideline also encompasses our estimate
4 of the underlying guidelines applicable to three
5 different Jane Does, Jane Doe 1, Jane Doe 5, and Jane Doe
6 6, who are all trafficking victims and to whom the
7 guidelines prevent grouping. So it has to be calculated
8 as a multiple count analysis.

9 At the end of the day, as I stated the current
10 estimate of the adjusted offense level overall is a level
11 39 with a range of imprisonment of 262 to 327 months.

12 THE INTERPRETER: The interpreter requests
13 repetition.

14 THE COURT: Which, for the last sentence?

15 MS. MERKL: As to the last sentence? Okay.

16 The overall evaluation of the guidelines
17 results in an adjusted offense level of 39 with a range
18 of imprisonment of 262 to 327 months.

19 THE COURT: All right. Mr. Lind?

20 MR. LIND: As of today, Judge, I concur in the
21 government's analysis of the guidelines.

22 THE COURT: All right. So, Mr. Jovan Rendon-
23 Reyes, do you understand what the lawyers' analysis is
24 with regard to the application of the advisory sentencing
25 guidelines to your case?

Proceedings

1 DEFENDANT J. RENDON-REYES: Yes.

2 THE COURT: All right. Mr. Francisco Rendon-
3 Reyes, we're going to look at your plea agreement and the
4 anticipated advisory sentencing guidelines as they would
5 apply to your case.

6 I'm going to ask, is it Ms. Merkl again --

7 MS. MERKL: Yes.

8 THE COURT: -- with regard to Francisco Rendon-
9 Reyes' case? What is your estimate with regard to the
10 sentencing guidelines?

11 MS. MERKL: Similar to Jovan Rendon-Reyes, as
12 to how the estimate is calculated, the offense level that
13 we currently estimate is an adjusted offense level of 31
14 and that level and that level has various things factored
15 into it.

16 Firstly, it includes three levels, a full three
17 levels off for acceptance of responsibility. In
18 addition, it anticipates two level reduction as part of a
19 global disposition of the case and those two points are
20 contingent upon all of the defendants in this case
21 pleading guilty by April 19th of this year.

22 Also factored in are the guidelines that the
23 government (indiscernible) to be applicable as to the
24 Racketeering Act alleging sex trafficking of Jane Doe 2,
25 as well as the other underlying predicate acts in counts

Proceedings

1 in which Francisco Rendon-Reyes is charged.

2 THE COURT: All right. Mr. Kamdang?

3 MR. KAMDANG: Your Honor, I don't have anything
4 to add. We will reserve our sentencing argument
5 (indiscernible).

6 THE COURT: All right. Mr. Francisco Rendon-
7 Reyes, do you understand what the government's attorney
8 just said with regard to the estimate for the advisory
9 sentencing guidelines in your case?

10 DEFENDANT F. RENDON-REYES: Yes.

11 THE COURT: All right. So for each of the
12 defendants --

13 MS. MERKL: Your Honor, if I may, I am sorry?

14 THE COURT: Oh.

15 MS. MERKL: Just to be clear for the record, I
16 am not positive, I actually put the estimate as opposed
17 to the adjusted offense level.

18 THE COURT: Okay.

19 MS. MERKL: So I just wanted to make clear for
20 the record that the overall adjusted offense level based
21 on our current information is a level 31 which carries a
22 range of imprisonment of 108 to 135 months, assuming that
23 Mr. Francisco Rendon-Reyes falls within criminal history
24 category one.

25 THE COURT: All right. Mr. Rendon-Reyes,

Proceedings

1 Francisco Rendon-Reyes, do you understand what Ms. Merkl
2 just said on behalf of the United States?

3 DEFENDANT F. RENDON-REYES: Yes.

4 THE COURT: All right. For each of the
5 defendants, the estimate with regard to the sentencing
6 guidelines is set forth in paragraph 2 of our respective
7 agreements.

8 So for each of you, did you review that
9 estimate with your attorneys? Jovan Rendon-Reyes?

10 DEFENDANT J. RENDON-REYES: Yes.

11 THE COURT: And Mr. Francisco Rendon-Reyes?

12 DEFENDANT F. RENDON-REYES: Yes.

13 THE COURT: Okay.

14 THE INTERPRETER: The interpreter would ask
15 permission of the Court to bring a chair a moment?

16 THE COURT: Yes, can you help her, just pull
17 one over.

18 THE INTERPRETER: Thank you.

19 THE COURT: You're good.

20 All right. For each of the defendants, do you
21 understand that your ultimate sentence could turn out to
22 be different from the estimate your attorney or the
23 government may have provided to you including not
24 provided here in open court? For Mr. Jovan Rendon-Reyes,
25 do you understand that?

Proceedings

1 DEFENDANT J. RENDON-REYES: Yes.

2 THE COURT: Mr. Francisco Rendon-Reyes?

3 DEFENDANT F. RENDON-REYES: Yes.

4 THE COURT: For each of you, it could turn out
5 that because of other statutory sentencing factors, the
6 district judge decides to impose a sentence even higher
7 than the one called for by the advisory sentencing
8 guidelines.

9 If that turned out to be the case, you would
10 not be permitted to withdraw your guilty plea simply
11 because no one could tell you in advance of what your
12 sentence would be.

13 Do you understand that Mr. Jovan Rendon-Reyes?

14 DEFENDANT J. RENDON-REYES: Yes.

15 THE COURT: And Mr. Francisco Rendon-Reyes, do
16 you understand that?

17 DEFENDANT F. RENDON-REYES: Yes.

18 THE COURT: All right. And so you know, we
19 don't have a sentencing date because there are some
20 moving pieces to this whole plea agreement.

21 So let me just go back to your respective plea
22 agreement which again are marked for Mr. Jovan Rendon-
23 Reyes as Court Exhibit 1 and for Mr. Francisco Rendon-
24 Reyes as Court Exhibit 2.

25 Have you reviewed the entire agreement with

Proceedings

1 your respective attorney?

2 DEFENDANT F. RENDON-REYES: Yes.

3 DEFENDANT J. RENDON-REYES: Yes.

4 THE COURT: Do you understand the agreement?

5 DEFENDANT F. RENDON-REYES: Yes.

6 DEFENDANT J. RENDON-REYES: Yes.

7 THE COURT: Okay. And again, I just draw your
8 attention to one of the paragraphs that Ms. Merkl
9 referred to which for Mr. Jovan Rendon-Reyes is in
10 paragraph 10 and similarly for Mr. Francisco Rendon-
11 Reyes, it was paragraph 10, which is that this agreement
12 that you have with the government is conditioned upon a
13 global plea, a global disposition of the case.

14 Do you understand that?

15 DEFENDANT F. RENDON-REYES: Yes.

16 DEFENDANT J. RENDON-REYES: Yes.

17 THE COURT: All right. So for each of the
18 defendants, do you fully understand your plea agreements
19 that you've entered into with the government?

20 DEFENDANT J. RENDON-REYES: Yes.

21 DEFENDANT F. RENDON-REYES: Yes.

22 THE COURT: All right. That was from Mr. Jovan
23 Rendon-Reyes and then from Mr. Francisco Rendon-Reyes.

24 All right. So what's being proposed here is
25 you're going to plead guilty to felony offenses. If your

Proceedings

1 plea is accepted and you're adjudged guilty of these
2 felonies, that adjudication may result in some collateral
3 consequences.

4 If you are a United States citizens, that would
5 include the loss of the right to vote, to hold public
6 office, to serve on a jury, and the other loss -- the
7 loss of other valuable civil rights.

8 All right. For each of you, I've gone over
9 many of the possible sentencing consequences to you if
10 your guilty plea is accepted.

11 Do you understand these consequences? Mr.
12 Jovan Rendon-Reyes?

13 DEFENDANT J. RENDON-REYES: Yes.

14 THE COURT: And for Mr. Francisco Rendon-Reyes?

15 DEFENDANT F. RENDON-REYES: Yes.

16 THE COURT: Okay. All right. Now I am going
17 to ask the lawyers some questions and for the government,
18 is the government prepared to prove at trial all of the
19 elements of the counts against each defendant?

20 MS. MERKL: Yes, your Honor.

21 THE COURT: And for each of those counts,
22 there's a global statement of the statute and essential
23 elements that you've provided to me. Does this set forth
24 the elements of the offenses to which the defendants are
25 proposed to plead guilty?

Proceedings

1 MS. MERKL: It does, your Honor, but I wanted
2 to just note an commission.

3 THE COURT: Uh-hum.

4 MS. MERKL: The government and we included the
5 essential elements for the trafficking counts on page 3,
6 and it's broken down by different types of counts and I
7 just wanted to observe and apologize, Counts 11 and Count
8 14 both charge trafficking of minors. They also charge
9 trafficking by force, fraud or coercion. Those two
10 counts are charged in the alternative.

11 THE COURT: Uh-hum.

12 MS. MERKL: So Counts 11 and 14 should be
13 listed in both places and we apologize for this error.

14 THE COURT: I'm not sure I followed the last
15 part. Where are we?

16 MS. MERKL: Okay. So Count 11 and 14 charge
17 both trafficking --

18 THE COURT: Okay, of a minor.

19 MS. MERKL: -- by force, fraud or coercion and
20 that the victim was a minor at the time.

21 THE COURT: Okay.

22 MS. MERKL: And so we failed to include Counts
23 11 and 14 at the list, at the top of page 3 and we
24 apologize for that mistake.

25 THE COURT: Okay. All right.

Proceedings

1 MS. MERKL: The essential elements for Counts
2 11 and 14 are the same --

3 THE COURT: Uh-hum.

4 MS. MERKL: -- as the essential elements of the
5 rest of the sex trafficking counts and it also alleged
6 that they were minors at the time.

7 THE COURT: Okay. All right.

8 So for Mr. Lind, does that amendment -- is what
9 the government provided with regard to the statute and
10 elements for the counts to which your client is going to
11 or it's proposed your client is going to plead guilty, do
12 you agree that this list is correct?

13 MR. LIND: Yes, your Honor.

14 THE COURT: And similarly, Mr. Kamdang, for
15 your client, Mr. Francisco Rendon-Reyes, was the
16 amendment provided by Ms. Merkl with regard to the
17 statutes and essential elements, how this applies to your
18 clients, do you agree this list is correct?

19 MR. KAMDANG: Yes. And just to clarify, those
20 amendments don't affect Mr. Francisco Rendon-Reyes' plea.

21 MS. MERKL: Correct, your Honor. Francisco
22 Rendon-Reyes is charged in Racketeering Act 4(a) with
23 regard to trafficking of Jane Doe 2 and that was not
24 charged as a minor. And in Count 26, so his is
25 unaffected.

Proceedings

1 THE COURT: Okay. So with or without the
2 amendment for you, Mr. Kamdang, is the statutes and
3 essential elements provided by the government a correct
4 statement of the statute and essential elements?

5 MR. KAMDANG: Yes, your Honor.

6 THE COURT: Okay. All right. So this is a
7 question for the government. What evidence would the
8 government offer at trial to show the defendant's guilt
9 and do you want to do that as to each of the defendants
10 or all together? What would you like to do?

11 MS. MERKL: Well, given the nature of the
12 charges that it's a racketeering offense, I think it's
13 fine to do it all together.

14 If we were to have a trial in this case, the
15 government would call its witnesses, the Jane Does 1
16 through 9 as alleged in the indictment. In addition, as
17 to Mr. -- one of the defendants who is not here, we would
18 introduce a guilty plea allocution in a prior
19 racketeering -- in a prior sex trafficking case.

20 We also would introduce phone records, border
21 crossing records, evidence recovered pursuant to a
22 wiretap, surveillance evidence and various other evidence
23 including wire transfer records, analysis of those
24 records.

25 I believe we also have some cell site data,

Proceedings

1 things along those lines, things with the phones but the
2 bulk of the evidence as to trafficking charges will come
3 from the victims' testimony, Jane Does 1 through 9.

4 THE COURT: All right. So with Mr. Lind, with
5 regard to your client, Jovan Rendon-Reyes, do you agree
6 that the government will be able to prove the defendant's
7 guilt at trial based on the evidence described by the
8 government?

9 MR. LIND: Well, if (indiscernible) and it was
10 admissible, Judge, yes. I mean in the abstract it's -- I
11 think that they would certainly make out a prima facie
12 case.

13 THE COURT: All right. So there's always risk
14 at trial. A jury will believe the defendant or find that
15 the government has not proved its case but based on the
16 information made available to you and your communications
17 with your client, do you believe that it's possible the
18 government or -- that the government will be able to
19 prove the defendant's guilt at trial?

20 MR. LIND: Yes, Judge.

21 THE COURT: All right. With regard to your
22 client, Mr. Jovan Rendon-Reyes, do you know of any reason
23 why the defendant should not plead guilty?

24 MR. LIND: No.

25 THE COURT: Are you aware of any viable legal

Proceedings

1 defense to the charge?

2 MR. LIND: No.

3 THE COURT: In your opinion, is the proposed
4 plea in your client's best interest?

5 MR. LIND: Yes.

6 THE COURT: All right. Mr. Kamdang, similarly,
7 do you agree that the government would be able to prove
8 the defendant's guilt at trial based on the evidence
9 described by the government and based on what's been made
10 available to you in this case and your communications
11 with your client?

12 MR. KAMDANG: Yes.

13 THE COURT: There's the obvious caveat that
14 it's always possible that a jury would decide that the
15 government had failed to prove its case.

16 All right. Do you know of any reason why Mr.
17 Francisco Rendon-Reyes should not plead guilty?

18 MR. KAMDANG: No.

19 THE COURT: And are you aware of any viable
20 legal defense to the charges against him?

21 MR. KAMDANG: No.

22 THE COURT: And in your opinion, is this plea
23 in your client's best interest?

24 MR. KAMDANG: Yes.

25 THE COURT: All right. For each of the

Proceedings

1 defendants, do you need an opportunity speak with your
2 attorneys about your allocution?

3 MR. LIND: If I could have one minute, maybe
4 Mr. Kamdang wants to go forward but I --

5 THE COURT: All right. So actually what I
6 would like to do is just take a two minute break. I'll
7 be right back. You can speak with your respective
8 clients and we'll -- you can let me know if you're
9 clients are ready, all right?

10 MR. KAMDANG: Did you say a ten minute break?

11 THE COURT: Two.

12 (Off the record.)

13 THE CLERK: We're back on the record.

14 THE COURT: Okay. All right. So we have both
15 interpreters. Can we use the services of both, ma'am?

16 THE INTERPRETER: Yes, ma'am, of course.

17 THE COURT: And let's just make sure -- turn
18 off the microphone that's by Mr. Jovan Rendon-Reyes, so
19 that we don't pick that conversation up on the record.
20 Okay.

21 All right. So I don't know if we ever went off
22 the record but we're on the record for 15-cr-348.

23 So, Mr. Kamdang, with regard to your client, do
24 you need an opportunity to speak with him?

25 MR. KAMDANG: I don't, your Honor.

Proceedings

1 THE COURT: All right. So is your client ready
2 to plead?

3 MR. KAMDANG: Yes, your Honor.

4 THE COURT: Okay. All right, Mr. Francisco
5 Rendon-Reyes, do you need an opportunity to consult with
6 your attorney before you plead?

7 DEFENDANT F. RENDON-REYES: No.

8 THE COURT: All right. So let me just remind
9 you, as I said earlier, it's not going to be enough for
10 you simply to say that you're guilty. You're going to
11 have to tell me what it is that you did such that you
12 are, in fact, guilty as to each count that it's proposed
13 you're going to plead guilty.

14 All right. So, for Mr. Francisco Rendon-Reyes,
15 with regard to Count 1 of the indictment -- hand on one
16 second.

17 Mr. Lind, for this part, I need one of the
18 United States Attorney's to be able to pay attention to
19 it. I mean, if you want to separate and talk that's
20 fine but I am going to be asking you if it's an
21 acceptable allocution for you. All right.

22 So I am sorry, let me ask that question again.
23 Mr. Francisco Rendon-Reyes, with regard to Count 1 of the
24 indictment, how do you plead, guilty or not guilty?

25 DEFENDANT F. RENDON-REYES: Yes.

Proceedings

1 THE COURT: Okay. So the choice is guilty or
2 not guilty.

3 DEFENDANT F. RENDON-REYES: Yes, I am guilty.

4 THE COURT: All right. With regard to Count 26
5 of the indictment, how do you plead, guilty or not
6 guilty?

7 DEFENDANT F. RENDON-REYES: I am guilty.

8 THE COURT: Okay. All right. Mr. Kamdang,
9 with regard to your client's allocution, are you
10 proposing he do it unified allocution with regard to
11 these counts or are you going to do each one separately?

12 MR. KAMDANG: A unified allocution, your Honor.

13 THE COURT: Okay. All right. So as I have
14 said before, Mr. Francisco Rendon-Reyes, I need you to
15 tell me what it is that you did such that you are, in
16 fact, guilty of the count to which you just pleaded
17 guilty which are Count 1 and Count 26 of the indictment.
18 And I'll just remind you, your plea agreement includes a
19 provision that you are going to admit to racketeering
20 acts -- as racketeering acts, your participation in sex
21 trafficking as alleged in the indictment as Racketeering
22 Act 4(a) and interstate prostitution as alleged in
23 Racketeering Act 12(a).

24 All right. So, Mr. Francisco Rendon-Reyes, in
25 your own words, please tell me what it is that you did

Proceedings

1 such that you are, in fact, guilty of those two counts to
2 which you just plead guilty, Count 1 and Count 26 of the
3 indictment.

4 DEFENDANT F. RENDON-REYES: I, Francisco, in
5 2007, I arrived in the United States from Mexico. I
6 traveled to Queens, New York. There was a woman arriving
7 who was traveling with me. Before we left Mexico, I
8 convinced her that it would be a good idea to come to
9 Queens to work in prostitution. It was part of a -- part
10 of a woman.

11 THE COURT: I didn't understand that last part.

12 DEFENDANT F. RENDON-REYES: Part of a family.

13 THE COURT: Part of a family.

14 DEFENDANT F. RENDON-REYES: That -- was part of
15 a family that worked -- who worked that I brought women
16 to the United States to work as prostitutes. We knew
17 that it was illegal to bring women to the United States
18 to participate in -- for purposes of prostitution and we
19 did it to make money.

20 In addition, in participating in this family
21 business, I know that some members of the family made
22 false promises to another woman in order to get her to
23 work in prostitution. I am sorry.

24 THE COURT: All right. When you say family,
25 you're referring to your family?

Proceedings

1 DEFENDANT F. RENDON-REYES: Yes.

2 THE COURT: All right. I am just reviewing
3 what you said with the elements of the offenses of the
4 counts that your -- to which you pled guilty.

5 (Pause)

6 THE COURT: All right. Mr. Kamdang, would you
7 like your client to add anything else to the record?

8 MR. KAMDANG: No, your Honor.

9 THE COURT: For the government, is that a
10 sufficient allocution?

11 MS. MERKL: Your Honor, it's -- I believe that
12 all of the elements were met but there are a couple of
13 clarification points I think would be beneficial as to
14 the dates and the Jane Does as to whom Mr. Francisco
15 Rendon-Reyes was referring to. So he --

16 THE COURT: Do you have some questions because
17 you have more information than I do.

18 MS. MERKL: No, I plan to -- if that's okay
19 with the Court --

20 THE COURT: Yes.

21 MS. MERKL: -- I was going to suggest a couple
22 of questions.

23 THE COURT: All right. Let me ask Mr. Kamdang,
24 is that acceptable to you --

25 MR. KAMDANG: That's fine, your Honor.

Proceedings

1 THE COURT: -- the government to ask --

2 MR. KAMDANG: That's fine, your Honor.

3 THE COURT: All right. So Ms. Merkl?

4 MS. MERKL: So initially Mr. Francisco Rendon-
5 Reyes, you stated that you arrived in 2007 with a woman.

6 DEFENDANT F. RENDON-REYES: Yes.

7 MS. MERKL: And is that the same woman who is
8 identified in the indictment as Jane Doe 10 and mentioned
9 in Count 26?

10 DEFENDANT F. RENDON-REYES: Yes.

11 MS. MERKL: And the judge started to ask you,
12 you mentioned that this was part of the family business.

13 DEFENDANT F. RENDON-REYES: Yes.

14 MS. MERKL: And is that family business the
15 group of individuals discussed in the indictment, The
16 Rendon-Reyes family?

17 DEFENDANT F. RENDON-REYES: Yes.

18 MS. MERKL: And finally with regard to the
19 second woman that you mentioned, is that the same
20 individual who is identified in Racketeering Act 4(a) as
21 Jane Doe 2?

22 DEFENDANT F. RENDON-REYES: Yes.

23 MS. MERKL: And the other individual involved
24 in her trafficking is alleged to have been in the
25 indictment, Saul Rendon-Reyes?

Proceedings

1 DEFENDANT F. RENDON-REYES: Yes.

2 MS. MERKL: And you were aware that promises
3 would be made to her in or about and between January 2006
4 and April 2007 in order to cause her to work in
5 prostitution?

6 DEFENDANT F. RENDON-REYES: Yes.

7 MS. MERKL: Your Honor, with those additional
8 small clarifications, I believe that the elements have
9 been met.

10 THE COURT: Just so I understand, the woman
11 that you mentioned, that's the second woman he spoke of?

12 MR. KAMDANG: Yes.

13 THE COURT: All right. Let me ask you a few
14 questions Mr. Francisco Rendon-Reyes. Are you pleading
15 guilty to these two counts of the indictment voluntarily
16 and of your own free will?

17 DEFENDANT F. RENDON-REYES: Yes.

18 THE COURT: Has anyone threatened or forced you
19 to plead guilty?

20 DEFENDANT F. RENDON-REYES: No.

21 THE COURT: Other than the promises that are
22 contained in the written agreement that you entered into
23 with the United States government which has been marked
24 as Government's Exhibit 2 in this proceeding, has anyone
25 made any other promises to you to induce you to plead

Proceedings

1 guilty?

2 DEFENDANT F. RENDON-REYES: No.

3 THE COURT: Has anyone made any promise to you
4 as to what your final sentence will be?

5 DEFENDANT F. RENDON-REYES: No.

6 THE COURT: Are you pleading guilty f your own
7 free will because you are, in fact, guilty?

8 DEFENDANT F. RENDON-REYES: Yes.

9 THE COURT: So I understand from the
10 government's perspective this plea agreement is
11 contingent on the additional defendants pleading guilty
12 but based on the information given to me with regard
13 particularly to Mr. Francisco Rendon-Reyes, and his plea
14 to Counts 1 and Count 26 of the indictment, I believe
15 that he's full competent, that he is capable of entering
16 an informed plea, that his actions are voluntary. That
17 he understands the charges in the indictment against him.
18 That he understands his rights and the consequences of
19 this plea and that the plea is supported by a factual
20 basis for each of the elements of the offense.

21 So I would recommend that the district judge
22 accept the plea of guilty to the two counts of the
23 indictment to which Mr. Francisco Rendon-Reyes pled
24 guilty, Count 1 and to Count 26.

25 All right. With regard to --

Proceedings

1 MR. KAMDANG: Your Honor?

2 THE COURT: Yes.

3 MR. KAMDANG: With the Court's permisison, I
4 cleared it with the marshals, could the marshals take
5 charge of Mr. Francisco Rendon-Reyes now that he is done
6 and you proceed with the other so, I could run to another
7 meeting or --

8 THE COURT: All right. Let me just ask, is
9 there anything else that we need to add to the record
10 with regard to your client?

11 MR. KAMDANG: No, your Honor.

12 THE COURT: And I assume the understanding is
13 they are -- he's remaining in custody.

14 MR. KAMDANG: Yes, your Honor.

15 THE COURT: All right. And are there any
16 medical issues that need attention?

17 MR. KAMDANG: No, your Honor.

18 THE COURT: All right. And as things stand
19 now, we don't have a sentencing date given that this is a
20 multi-step process here so what I would ask if that you
21 stay in touch with the district judge's deputy to know
22 when there will be a sentencing date.

23 And I assume you would like to participate in
24 the interview process for the preparation of the
25 presentence report, is that correct?

Proceedings

1 MR. KAMDANG: Yes, please.

2 THE COURT: All right. We'll let probation
3 know. All right. Any objection from the government
4 that --

5 MS. MERKL: No, your Honor.

6 THE COURT: -- Mr. Kamdang and his client, Mr.
7 Francisco Rendon-Reyes are able to leave today's
8 proceeding?

9 MS. MERKL: No, your Honor.

10 THE COURT: No.

11 MS. LEE: No.

12 THE COURT: All right. How about Mr. Lind, any
13 objection?

14 MR. LIND: No.

15 THE COURT: All right. So the marshals are
16 going to say --

17 MR. LIND: What if I said yes, Judge? No, of
18 course not.

19 THE COURT: Just making sure everyone is all
20 right with this. All right. So, for Mr. Francisco
21 Rendon-Reyes, you're done. Your attorney will say in
22 touch with you as to how the rest of this process
23 unfolds. There will be a presentence report prepared
24 about you. I encourage you to cooperate with the
25 probation officer in consultation with your attorney.

Proceedings

1 All right. So I am going to thank the marshals
2 or taking Mr. Rendon-Reyes and Mr. Kamdang, you're
3 excused from the rest of this proceeding. Thanks.

4 MR. KAMDANG: Thank you, your Honor.
5 (Mr. Kamdang and defendant Francisco Rendon-Reyes
6 excused)

7 THE COURT: All right. So, Mr. Lind, is your
8 client ready to plead?

9 MR. LIND: Yes, Judge.

10 THE COURT: All right. So, Mr. Jovan Rendon-
11 Reyes, did you have a sufficient opportunity to consult
12 with your attorney about your proposed plea?

13 DEFENDANT J. RENDON-REYES: Yes.

14 THE COURT: All right. And are you ready to
15 plead?

16 DEFENDANT J. RENDON-REYES: Yes.

17 THE COURT: Do you need an additional
18 opportunity to consult with your attorney? Do you need
19 to talk to your lawyer at this time?

20 DEFENDANT J. RENDON-REYES: No. No.

21 THE COURT: All right. So what's proposed in
22 your plea agreement is that you're going to plead guilty
23 to Count 1 and Count 14 of the indictment of the
24 indictment and particularly, you're going to admit at
25 Racketeering Acts, your participation in the sex

Proceedings

1 trafficking of Jane Doe 1, the sex trafficking of minor
2 Jane Doe 2 and the sex trafficking of Jane Doe 6.

3 MS. MERKL: Your Honor --

4 MR. LIND: No, I think that's (indiscernible).

5 THE COURT: Oh, I'm sorry. Did I look at the
6 wrong page?

7 MS. MERKL: Jane Doe 5, (indiscernible).

8 THE COURT: All right.

9 MS. MERKL: Not 2.

10 THE COURT: All right. Let's try it again.

11 Sex trafficking of Jane Doe 1, the sex trafficking of
12 minor Jane Doe 5 and sex trafficking of Jane Doe 6.

13 Those individuals --

14 MR. LIND: No, I think -- are we talking about
15 Count 1 now, Judge or are we talking about both counts?
16 Count 1 charges him with sex trafficking of 1 -- Jane
17 Does 1, 5 and 6. Count 14 is just related to
18 transporting a minor, Jane Doe 5.

19 THE COURT: All right. So just reading --
20 using the language that she used in the plea agreement
21 which is that your client is going to plead guilty to
22 Count 1 and 14 of the indictment and at his guilty plea,
23 admit his racketeering acts, his participation in sex
24 trafficking of Jane Doe 1, as alleged in Racketeering Act
25 3(a) and Count 7, sex trafficking of a minor, Jane Doe 2,

Proceedings

1 as alleged in Racketeering Act 7(a) and Count 14. And
2 sex trafficking of Jane Doe 6, as alleged in Racketeering
3 Act 8(a) and Count 17.

4 Is there any disagreement as to that?

5 MR. LIND: From me, Judge, no.

6 THE COURT: Okay. If I misspoke, I am sorry.

7 MS. MERKL: No, your Honor, it's been
8 corrected, thank you.

9 THE COURT: We're good on this point?

10 MR. LIND: That's fine.

11 THE COURT: All right. So Mr. Jovan Rendon-
12 Reyes, are you ready to plead?

13 DEFENDANT J. RENDON-REYES: Yes.

14 THE COURT: All right. With regard to Count 1
15 of the indictment, how do you plea, guilty or not guilty?

16 DEFENDANT J. RENDON-REYES: I am guilty.

17 THE COURT: And with regard to Count 14 of the
18 indictment, how do you plead, guilty or not guilty?

19 DEFENDANT J. RENDON-REYES: Guilty.

20 THE COURT: All right. As with Mr. Francisco
21 Rendon-Reyes, and as I explained to you earlier, I have to
22 ask you what it is that you did such that you are, in
23 fact, guilty of these two counts? As you heard with Mr.
24 Francisco Rendon-Reyes, it's helpful in providing a
25 complete guilty plea that you provide the information

Proceedings

1 with regard to those Jane Does, Jane Doe 1, the minor
2 Jane Doe 5, and Jane Doe 6.

3 All right. So in your own words, what is it
4 that you did such that you are in fact guilty of Count 1
5 and Count 14 of the indictment?

6 DEFENDANT J. RENDON-REYES: I admit in having
7 participated in human trafficking of Jane Doe 1, Jane
8 Doe 5 and Jane Doe 6 --

9 MR. LIND: No, no, there's an additional part.

10 DEFENDANT J. RENDON-REYES: -- which was a
11 family business.

12 MR. LIND: I don't think that's loud enough.
13 You have to talk up --

14 THE INTERPRETER: Sir, he's reading.

15 THE COURT: Well, the translator --

16 THE COURT: Okay.

17 THE INTERPRETER: And I'm waiting for him to
18 finish.

19 MR. LIND: All right. I'm sorry. I really
20 apologize.

21 THE INTERPRETER: Forgive me, your Honor, the
22 interpreter didn't mean to --

23 THE COURT: That's fine.

24 THE INTERPRETER: -- please, I am terribly
25 sorry.

Proceedings

1 THE COURT: Let's just -- so far we have --

2 DEFENDANT J. RENDON-REYES: With respect to --

3 THE COURT: -- through the family business.

4 What's the next one?

5 DEFENDANT J. RENDON-REYES: With respect to
6 Count 14, along with other people, I participated in
7 transporting on the dates of June 2007 through February
8 of 2009. Yes, number 5.

9 Moreover, in order to have Jane Doe 5 continue
10 in her involvement in this activity, even at the time
11 when she no longer wanted to do it, I made her false
12 promises.

13 THE COURT: All right. When you say human
14 trafficking, from where to where did you --

15 DEFENDANT J. RENDON-REYES: From Mexico to the
16 United States.

17 THE COURT: To any particular part of the
18 United States?

19 DEFENDANT J. RENDON-REYES: Here in New York.

20 THE COURT: Was it in Brooklyn or Queens --

21 DEFENDANT J. RENDON-REYES: Queens --

22 THE COURT: -- or some other part of the
23 Eastern District?

24 DEFENDANT J. RENDON-REYES: Queens. Queens.

25 THE COURT: All right. When you referred

Proceedings

1 earlier to the Jane Does 1, 5 and 6, are those the
2 individuals --

3 DEFENDANT J. RENDON-REYES: Yes.

4 THE COURT: -- who are -- sorry, let me finish
5 the question so it is clear on the record. Are those the
6 individuals who are identified in the indictment. So,
7 Jane Doe, is she the person alleged in Racketeering Act
8 3(a) and Count 7 of the indictment?

9 DEFENDANT J. RENDON-REYES: Yes.

10 THE COURT: Do you know the answer?

11 DEFENDANT J. RENDON-REYES: Yes.

12 THE COURT: All right. Is Jane Doe 5, is she
13 the individual identified in Racketeering Act 7(a) and
14 Count 14 of the indictment?

15 DEFENDANT J. RENDON-REYES: Yes.

16 THE COURT: And is Jane Doe 6, the individual
17 alleged in Racketeering Act 8(a) and Count 17 of the
18 indictment?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: And when you say the family
21 business, what do you mean?

22 DEFENDANT J. RENDON-REYES: Well, my family.

23 THE COURT: Is that the Rendon-Reyes family?

24 DEFENDANT J. RENDON-REYES: Yes.

25 THE COURT: All right. Mr. Lind, do you want

Proceedings

1 your client to add anything else to the record?

2 MR. LIND: No, Judge.

3 THE COURT: All right. For the government, do
4 you need any additional information --

5 MS. MERKL: Yes, your Honor.

6 THE COURT: -- as part of the allocution?

7 MS. MERKL: With regard -- if I may, I can pose
8 the questions to the Court or directly to the defendant.

9 THE COURT: To the defendant is fine.

10 MS. MERKL: (Indiscernible).

11 THE COURT: Sorry, let me be -- just before the
12 government. With regard to Jane Doe 5, was she a minor?

13 MR. LIND: Are you asking me, Judge or are you
14 asking --

15 THE COURT: No, Mr. -- your client.

16 DEFENDANT J. RENDON-REYES: Yes.

17 THE COURT: And does that mean you knew that
18 she was under the age of 18?

19 DEFENDANT J. RENDON-REYES: Yes.

20 THE COURT: Okay. And was the purpose of the
21 human trafficking to have these individuals engage in
22 prostitution?

23 DEFENDANT J. RENDON-REYES: Yes.

24 THE COURT: All right. For the government, any
25 additional clarifying questions? You can direct them

Proceedings

1 directly to the defendant.

2 MS. MERKL: As to the Jane Does 1, 5 and 6, you
3 stated that the purpose of the trafficking was to have
4 them engage in prostitution.

5 DEFENDANT J. RENDON-REYES: Yes.

6 MS. MERKL: And were you aware as to Jane Does
7 1 and 6, that members of the organization would engage in
8 promises -- making false promises to them to cause them
9 to work?

10 DEFENDANT J. RENDON-REYES: Yes.

11 MS. MERKL: And just to be clear, your Honor,
12 as to the dates, Mr. Rendon-Reyes specified as to Count
13 14, his participation in and about June 2007 and February
14 2009.

15 THE COURT: Right.

16 MS. MERKL: I would just like to clarify as to
17 the racketeering count, Count 1, the dates of involvement
18 for the underlying predicate acts as to which Mr. Rendon-
19 Reyes allocuted ranged from December of 2004 through
20 February 2010. Although he need not have been involved in
21 all of those dates, I just want to establish whether he
22 was involved in and around 2004 to 2010.

23 THE COURT: Is that correct?

24 MS. MERKL: Various times, is that correct?

25 DEFENDANT J. RENDON-REYES: Who?

Proceedings

1 MS. MERKL: You.

2 THE COURT: So were you, Mr. Rendon-Reyes,
3 involved in these human trafficking activities between
4 2004 and 2010?

5 MS. MERKL: 2010.

6 THE COURT: '10.

7 DEFENDANT J. RENDON-REYES: Yes.

8 THE COURT: Anything else?

9 MS. MERKL: I think that -- I think that covers
10 the racketeering acts as to which he was allocuting, your
11 Honor.

12 THE COURT: All right. So, Mr. Lind, would you
13 like your client to add anything else to the record?

14 MR. LIND: No.

15 THE COURT: All right. So, Mr. Rendon-Reyes,
16 let me ask you a few other questions. Are you pleading
17 guilty voluntarily and of your own free will?

18 DEFENDANT J. RENDON-REYES: Yes.

19 THE COURT: Has anyone threatened or forced you
20 to plead guilty?

21 DEFENDANT J. RENDON-REYES: No.

22 THE COURT: Other than the promises that are
23 contained in the written agreement that you entered into
24 with the United States government, which has been marked
25 as Government's Exhibit 1, has anyone made any other

Proceedings

1 promises to induce you to plead guilty?

2 DEFENDANT J. RENDON-REYES: No.

3 THE COURT: Has anyone made any promises to you
4 as to what your final sentence will be?

5 DEFENDANT J. RENDON-REYES: No.

6 THE COURT: Are you pleading guilty of your own
7 free will because you are, in fact, guilty of the Count 1
8 and 14 of the indictment?

9 DEFENDANT J. RENDON-REYES: Yes.

10 THE COURT: All right. Again, this plea
11 agreement with the government is contingent on other
12 defendants pleading guilty but for the purposes of your
13 allocution, based on the information given to me today by
14 the government, your attorney and you, I believe that
15 you're fully competent, that you're capable of entering
16 an informed plea, that you're acting voluntarily, that
17 you understand the charges against you. That you
18 understand your rights. You understand the consequences
19 of this plea and that the plea is supported by a factual
20 basis as to each element of the offenses, Count 1 and
21 Count 14.

22 So I recommend that the district judge accept
23 the plea of guilty to these two counts, 1 and 14.

24 So there's no sentencing date yet because as I
25 just mentioned and we've been discussing, there are other

Proceedings

1 defendants whose pleas may be forthcoming. So as this
2 process unfolds, at some point the district judge and his
3 deputy will set a date for the sentencing.

4 As I mentioned earlier, there will be a
5 presentence report prepared about you. Mr. Lind, do you
6 want to participate in the interview?

7 MR. LIND: Yes, Judge.

8 THE COURT: All right. We'll let probation
9 know that.

10 I assume the understanding is your client is
11 going to remain in custody. Is that right?

12 MS. MERKL: Your Honor, he was extradited from
13 Mexico.

14 THE COURT: All right.

15 MR. LIND: I'm sorry, do I understand that --
16 yes, I understand that.

17 THE COURT: This is just to make sure nobody
18 wants to make a bail application.

19 MR. LIND: I have no bail application.

20 THE COURT: All right. I am not prejudging
21 anything but we just need to make sure we cover that.

22 Does your client have any medical issues?

23 MR. LIND: No.

24 THE COURT: No, nothing that needs that
25 attention?

Proceedings

1 MR. LIND: No.

2 THE COURT: All right. Is there anything else
3 for the government?

4 MS. MERKL: No, thank you, your Honor.

5 THE COURT: Anything else?

6 MR. LIND: No, Judge.

7 THE COURT: All right. Thank you. Just for
8 the record, we're going to return the documents that have
9 been marked as Government's Exhibit 1 and Government's
10 Exhibit 2, each with their respective Exhibit As, copies
11 were provided to the defendants. So Ms. Merkl is going
12 to take custody of that.

13 And for the government, you can stay in touch
14 with Ms. Quinlan about moving the other pleas forward
15 which your colleague has been diligently trying to line
16 up the lawyers. So we appreciate it.

17 MS. LEE: (Indiscernible).

18 THE COURT: All right.

19 (Matter concluded)

20 -o0o-

21

22

23

24

25

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 15th day of May, 2017.


Linda Ferrara

AAERT CET**D 656

Transcriptions Plus II, Inc.